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COMMISSION OF INQUIRY INTO THE  
USE OF DRUGS AND BANNED PRACTICES  
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

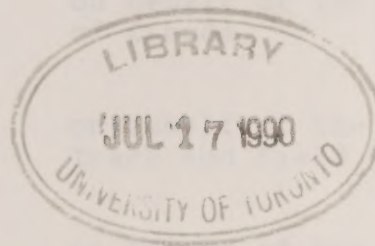
HEARING HELD AT 1235 BAY STREET,  
2nd FLOOR, TORONTO, ONTARIO,  
ON TUESDAY, AUGUST 15, 1989

VOLUME 72

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VOLUME 72








(i)

C O U N S E L:

MS. K. CHOWN	on behalf of the Commission
J. DePENCIER	on behalf of the Government of Canada
R. BOURQUE	on behalf of the Canadian Track and Field Association
R. STEINECKE	on behalf of the College of Physicians and Surgeons
R. HUGHES	on behalf of Dr. Artinian



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(ii)

I N D E X   O F   W I T N E S S E S

NAME	PAGE NO.
RICHARD LOCOCO: Sworn	12162
Examination by Ms. Chown	12162
Examination by Mr. Steinecke	12184
Examination by Mr. Hughes	12185
ANDY DENNISON MARSHALL: Sworn	12204
Examination by Ms. Chown	12204
Examination by Mr. Hughes	12225
LOUIS TAFFO: Sworn	12243
Examination by Ms. Chown	12243
Examination by Mr. Steinecke	12252
CHRISTIAN MAKSIMOVICH: Sworn	12254
Examination by Ms. Chown	12254
Examination by Mr. Hughes	12276
IVAN MAKSIMOVICH: Sworn	12286
Examination by Ms. Chown	12286
Examination by Mr. Steinecke	12320
Examination by Mr. Hughes	12322
LINDA LOUISE McCURDY-CAMERON: Sworn	12365
Examination by Ms. Chown	12365
Examination by Mr. Bourque	12407





(iii)

I N D E X   O F   E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE NO.
236	Notes of Dr. Artinian re Andy Marshall	12212
237	Christian Maksimovich's medical records	12264
238	Notes from Dr. Artinian re Ivan Maksimovich	12293
239	Document entitled "United States Olympic Committee Athlete's Signature Form" Dated February 6, 1988; Copy of Ms. McCurdy-Cameron's Test Results; Letter to Canadian Track and Field Association from the IAAF Dated April 27, 1989.	12397





--- Upon commencing.

THE COMMISSIONER: Ms. Chown.

MS. CHOWN: Yes, Mr. Commissioner, our  
first witness this morning is Mr. Richard Lococo, and he  
5 is present.

THE COMMISSIONER: Thank you.

RICHARD LOCOCO: Sworn

--- EXAMINATION BY MS. CHOWN:

10 THE COMMISSIONER: Yes, Ms. Chown.

MS. CHOWN:

Q. Mr. Lococo, I understand that you were  
born in Sudbury, Ontario in 1962?

15 A. Yes.

Q. However your family at some point  
thereafter moved to California and you completed your high  
school education in California?

A. Yes.

20 Q. Your family returned to Ontario and you  
became a student at York University, first attending there  
in the fall of 1982?

A. Yes.

25 Q. You were at York up until the spring of  
1985. And I understand you left York at that time prior



to finishing your degree, and why was that?

A. I got drafted by the Hamilton Tiger  
Cats.

THE COMMISSIONER: Would you speak a little  
5 closer to the mike.

THE WITNESS: I got drafted by the Hamilton  
Tiger Cats.

THE COMMISSIONER: All right.

MS. CHOWN: You can pull that microphone a  
10 little bit closer to you.

THE COMMISSIONER: Thank you.

MS. CHOWN:

Q. During the years that you were at York  
15 University --

THE COMMISSIONER: That was in 1985, was  
it?

THE WITNESS: Yes.

THE COMMISSIONER: Thank you.

MS. CHOWN:

Q. -- you played for the York Yeoman  
football team for the football seasons of 1982, '83, '84?

A. Yes.

Q. And what positions did you play for  
25





York?

A. First year I was defensive line, second year offensive tackle, and third year I was the center.

THE COMMISSIONER: I am sorry, I didn't get  
5 the third year, you were what?

THE WITNESS: Center, offensive center.

THE COMMISSIONER: Thank you.

MS. CHOWN:

10 Q. I understand at the present time you are self employed in your own contracting business?

A. Yes.

Q. Mr. Lococo, I would like to turn to your knowledge of and contact with anabolic steroids. You  
15 have told me earlier that your first contact came about when you were a high school student in California. Can you tell us about that, please.

A. In my junior year in high school one of my friends approached me with some Dianabols and said they  
20 will help you get stronger and bigger. And I decided to take them. I took them for about three months, and that was the last time I took them until I came to Canada.

THE COMMISSIONER: How old were you then?

THE WITNESS: I was around 17.

25 THE COMMISSIONER: Thank you.





MS. CHOWN:

Q. Were you involved in any sports at that time?

A. Yes, I was.

5 Q. Were you interested in taking steroids to see if they would assist you in the sports you were participating in?

A. Yes.

10 Q. What changes did you notice if any during that three-month period taking Dianabol?

A. I got stronger and gained weight.

THE COMMISSIONER: Were you playing football in high school in California?

THE WITNESS: Yes, I was.

15 MS. CHOWN:

Q. You say that's the last contact you had with steroids until you came to Canada. And when was the next time then you had any involvement?

20 A. In '81, the end of '81, the beginning of '82 I started taking them.

Q. Now, you have told us earlier in the fall of 1982 you would have started at York University and you would have participated as a member of the football  
25 team that year. So, this was the year prior to that?



A. Yes, it was.

Q. How did it come about that you became involved with steroids at that point?

A. I was working out and I wanted to gain some weight and get stronger. So, my friends told me about some places to get some steroids. So, I decided to take them.

Q. What kinds of steroids were you taking?

A. At that time?

Q. Yes.

THE COMMISSIONER: Where did you get the drugs in those days?

THE WITNESS: From friends, different gyms.

THE COMMISSIONER: At the gyms?

THE WITNESS: Yes.

THE COMMISSIONER: All right.

THE WITNESS: The types I was taking then I guess was mainly Deca, Winstrol, Metandren --

MS. CHOWN:

Q. Is that the Winstrol tablets --

A. Tablets.

Q. -- or the Winstrol injectable?

A. Tablets.

Q. And the Metandren are tablets?



A. Yes.

Q. Deca being Deca-Durabolin?

A. Yes.

Q. When you would receive steroids from

5 friends or acquaintances in gyms, would you receive advice from those people as to dosage and cycling of the steroids?

A. Yes.

Q. Can you recall at this time for

10 instance with some of the drugs such as Deca-Durabolin the kind of dosage you were taking and over what period?

A. I would take a vial every five days at that time, every week may be.

Q. How much was in a vial?

15 A. Two cc's.

THE COMMISSIONER: These were injectables; did you inject yourself in those days?

THE WITNESS: No, I had friends inject me.

20 THE COMMISSIONER: Did you all use the same needles?

THE WITNESS: No, never, always throw them away, use a new one.

MS. CHOWN:

25 Q. As far as the tablets, the Metandren





that you were receiving again from sources in gyms, do you recall now what dosage you were taking?

A. I am not really that sure. I know they were a sublingual, you had to put them under your tongue and let them dissolve. I don't remember how many the dosage was then.

Q. Did you at any point in 1981 go to a physician for the purpose of obtaining steroids?

A. Not in '81.

Q. All right. When, if at all, did you do that?

A. When did I first go to a doctor?

Q. Yes.

A. I think it was maybe the beginning -- maybe the end of '81, beginning of '82 I went to Dr. Artinian.

MS. CHOWN: Mr. Commissioner, I should advise that Dr. Artinian's counsel has indicated although he has made a search of his records after being provided with Mr. Lococo's signed release, he has been unable to locate Mr. Lococo's medical chart.

THE COMMISSIONER: Thank you.

MS. CHOWN:

Q. So, your recollection, Mr. Lococo, is



sometime in late '81 or early 1982 you first went to see Dr. Artinian?

A. Yes, I did.

Q. How had you heard about him?

A. Through guys in the gym and friends.

Q. All right.

THE COMMISSIONER: This is before your football season in '82.

THE WITNESS: Yes, it was.

MS. CHOWN:

Q. Can you tell me what you can recall of your first visit to Dr. Artinian's office, please.

A. He just asked me what I wanted, and I asked him how much it was, and then he went and got it for me, and I paid him and I left.

THE COMMISSIONER: Did he give you an injection at that time or did he --

THE WITNESS: The first time, no.

THE COMMISSIONER: What did he give you?

THE WITNESS: He just gave me the vials I wanted. I am not sure what I got, maybe --

THE COMMISSIONER: Did you describe what you wanted?

THE WITNESS: Yes.





THE COMMISSIONER: Or did he prescribe it  
for you?

THE WITNESS: No, I asked him what I wanted  
and he gave it to me.

5 THE COMMISSIONER: What about syringes and  
needles?

THE WITNESS: I got my own.

THE COMMISSIONER: So, you just got the --

THE WITNESS: I just got the vials.

10 THE COMMISSIONER: Pardon?

THE WITNESS: I just got the vials from  
him.

THE COMMISSIONER: All right. Thank you.

15 MS. CHOWN:

Q. On that first visit, did Dr. Artinian  
ask you any questions about your prior health history?

A. Not to my knowledge.

20 Q. Did he carry out a physical examination  
of you?

A. No.

Q. Did he take any blood or urine for  
purposes of laboratory analysis?

A. Nothing.

25 Q. Did you have any discussion with him



about risks or side effects of taking steroids?

A. None.

Q. And you are saying at this point you cannot recall what drugs you received but in fact you received several vials --

A. Yes.

Q. -- from him. Did you pay him for those vials?

A. Yes, I did.

Q. Do you recall now what you paid?

A. I think it was \$15 a vial, 15 to 17 a vial for the Deca. And I don't remember what the Metandren or the Depo or the Dela, what he was charging for those, I don't remember.

Q. All right.

THE COMMISSIONER: Metandren comes in tablet form, though, doesn't it?

THE WITNESS: Metandren, yes.

THE COMMISSIONER: Did you get Metandren too?

THE WITNESS: Yes.

THE COMMISSIONER: In tablet form?

THE WITNESS: Yes.



MS. CHOWN:

Q. You referred to Depo and Dela. I understand, if I am correct, that those are two forms of injectable testosterone?

5 A. Yes, they are.

Q. You would be buying vials of each of those from the doctor?

A. Uh-huh.

10 Q. Was there a reason that you were buying vials from him rather than simply having him give you an injection while you were present at his office?

15 A. I didn't want to wait four hours in the waiting room because there was always so many people there and it was bad service. I didn't want to wait. So, I just buy a month or two supply at a time.

Q. You had no trouble making arrangements with friends to have them inject you?

A. No trouble at all.

20 Q. And did you return to see Dr. Artinian after that first visit?

A. Yes, I did.

Q. Do you recall how many times you would have gone back to him?

A. Maybe three or four times.

25 Q. Would that have all been prior to the





fall 1982 football season at York University?

A. Yes, it was.

Q. What happened on the other occasions when you returned to his office?

5 A. The same, just exactly the same. I didn't -- I got what I wanted and left. I had to wait in line for a couple of hours, then I got tired of doing that. I wanted to get my blood checked. I wanted better service. I didn't like that at all. So, I found someone  
10 else.

THE COMMISSIONER: Who did you get the drugs from, though, from the doctor or from somebody in the office?

THE WITNESS: From the doctor.

15 THE COMMISSIONER: Pardon? From the doctor?

THE WITNESS: Yes.

THE COMMISSIONER: You actually saw the doctor yours --, did you, not just somebody --

20 THE WITNESS: Yes.

THE COMMISSIONER: -- not one of the nursing staff?

THE WITNESS: No.

25



MS. CHOWN:

Q. Mr. Lococo when you say you got what you wanted, was it you who on the occasion of each visit indicated to Dr. Artinian what particular drug you wished?

5 A. Yes, I did.

Q. Did you at any time seek his advice as to whether that was the appropriate drug for you?

A. No.

10 Q. Did you seek his advice as to the dosage you should be administering to yourself out of those vials?

A. No.

15 Q. Now, as a result of those three or four visits that you had then over the spring and summer of 1982, I gather then you made arrangements so that you were on a continuous steroid program up until the football season?

A. Yes.

20 Q. Were you receiving steroids or obtaining steroids from any other source during the same time period apart from Dr. Artinian?

A. No.

25 Q. What effects, if any, Mr. Lococo, did you note as a result of that period of steroid administration which you have indicated to us started





before Dr. Artinian sometime in '81 and was now continuing up until the fall of 1982?

A. Put on a lot of weight and got quite a bit stronger.

5 Q. You have told me that are you six foot one inch tall. And at that time in 1982, following this administration of steroids, what was your weight?

A. I was about 300 pounds.

10 Q. After you made a decision not to return to Dr. Artinian, did you seek out alternate sources for steroids during the fall of 1982 and thereafter?

A. Yes, I did.

Q. Can you tell us what those were?

A. Through friends, black market.

15 Q. Were you continuing to obtain the same kinds of drugs?

A. No, I got into better ones.

Q. What did you consider to be better steroids?

20 A. Well, there is different types of testosterone, which I am sure you are all aware of. I can go on and on with all the names. There is Equipoise, there is -- just a lot of the water injectables, the Winstrol-V, the Inosine, different testos, more orals.

25 Q. Were you on cycles of steroids and then



taking a break from them, or were you more or less on a continuous administration?

5 A. No, I would take cycles. I would go off for a couple of months at a time, on three months, off two months.

Q. And did this continue throughout the period that you were at York University?

A. Yes, it did.

10 Q. As well as getting drugs during that period up until 1985 from other sources and friends, did you also seek out the assistance of any other physicians?

A. Yes, I did.

Q. Who did you see and when, if you recall?

15 A. I went to one doctor named Dr. Cherry once, but I don't remember too much about that. It was only once. Then I went to Astaphan for the rest.

Q. All right. Did you obtain steroids from Dr. Cherry?

20 A. Yes, I did -- I got a shot, I didn't get anything. I just got a shot.

Q. Would that have been after you stopped seeing Dr. Artinian?

25 A. I don't remember if it was during -- before or after, I am not sure which one, it was just one



brief time I went with a friend.

Q. All right.

THE COMMISSIONER: Do you recall the year that would be, what year?

5 THE WITNESS: I am not sure.

THE COMMISSIONER: Sometime between '82 and '85, was it?

THE WITNESS: Yes, around there, '82, '83, '81, maybe.

10 THE COMMISSIONER: When did you see Dr. Astaphan for the first time?

THE WITNESS: When did I see him first?

THE COMMISSIONER: Yes.

15 THE WITNESS: When was it? It is in the record.

MS. CHOWN:

Q. I think you told me earlier it was in 1985?

20 A. '85, yes. It was right around there.

Q. And how had you heard of Dr. Astaphan?

A. Through a friend.

Q. Who was also a member of the York Yeoman football team?

25 A. Yes.





Q. Was that Mr. Logan?

A. Yes, it was.

Q. He has testified here before us. Can you describe for us, if you will, your visit, first visit,  
5 to see Dr. Astaphan?

A. Well, he sat me down, explained to me what it was I wanted to take, which I already knew. And I told him I was taking them and I was on them at the time.

He said he wanted to first check my blood,  
10 do my liver count, and sent me over to the lab to get a blood test. And told me all the side effects, the different types, and dosages and what it would do for me in the end.

He was basically trying to talk me out of it  
15 at first. He made me wait six weeks before I got a shot from him.

Q. During that six-week period did he review with you --

THE COMMISSIONER: Did he review the way  
20 you were medicating yourself?

THE WITNESS: Yes.

THE COMMISSIONER: What did he say about, that you were taking too much?

THE WITNESS: He didn't like it, yes.

THE COMMISSIONER: He thought you were  
25



taking too much?

THE WITNESS: Way too much.

THE COMMISSIONER: That's why he cut you off  
for awhile?

5 THE WITNESS: Yes.

10

15

20

25



MS. CHOWN:

Q. What drugs did you receive from Dr. Astaphan?

5 A. He had a special mixture. I never really saw what he was -- I saw them, the different vials, but he would mix them all together so that I wasn't taking a whole bunch of one. He said it was better if you take them in smaller dosages with more together. It would be better for your system.

10 Q. Was it your practice with Dr. Astaphan to have him administer you injections, or were you purchasing vials from him?

A. No, he would administer me injections.

Q. Did you pay him for those injections?

15 A. Yes, I did.

Q. Do you recall at this point over what time period you went to see Dr. Astaphan?

A. What do you mean what time period? For how long?

20 Q. For how long?

A. Maybe about six months, a year.

Q. You told us earlier on that 1985 was the year that you were drafted by the Hamilton Tiger Cats, and I understand that you approached Dr. Astaphan once you became aware of that possibility for a special program of

25





steroids?

A. Yes.

Q. Can you tell me about that, please.

5 A. I just asked him for basically a very  
potent one because I wanted to keep my weight down but get  
stronger and increase my speed, and he said he could do  
that, as long as I trained properly and did what he said,  
and I did, and everything came true.

10 Q. When you say "everything came true",  
you mean in fact that you were drafted?

A. No, after I got drafted, then I went to  
him for that.

THE COMMISSIONER: Well, this is a program  
you asked him about after he was drafted, Ms. Chown.

15 THE WITNESS: So after I was drafted, I  
went to him and told him, I said I was drafted and I want  
to do really well and I want something --

20 THE COMMISSIONER: You already told us  
that. The question was what did he do after he was  
drafted. That's when you went to see him.

THE WITNESS: So then he gave me the proper  
stuff and everything worked out fine for me.

THE COMMISSIONER: In what sense? Did you  
make the team?

25 THE WITNESS: No, I didn't make the team.



I got released in the beginning of the season, but all the things -- that was my fault; it wasn't his fault. I mean my speed was good; my weight was good; my strength was good.

5

MS. CHOWN:

Q. Did you continue to put on weight through this period, or were you still at 300 pounds?

A. I was right there at 300.

10

Q. Now just coming back to the time that you were playing with the York Yeomen football team through those three seasons, who were the coaches at that time with respect to --

15

THE COMMISSIONER: I think we've covered that, haven't we, Ms. Chown? It would be the same period you've covered with the other players.

MS. CHOWN:

20

Q. All right. Mr. Lococo, I understand that after you were released by the Hamilton Tiger Cats, you spent a year, which would be 1986, working in Toronto, and then in 1987 you were on tour in the United States as a professional wrestler?

A. Yes.

25

Q. You and your brother went down as a



team?

A. M'hmm.

Q. During this time period, that is 1987, did you continue to use anabolic steroids?

5 A. Yes, I did.

Q. Did you find they were prevalent on the wrestling circuit?

A. Yes.

10 Q. When is the last time that you've been involved with steroids?

A. When I left wrestling.

Q. When was that?

A. A year and a half ago.

15 THE COMMISSIONER: I'm sorry. I didn't hear the answer.

THE WITNESS: A year and a half ago.

THE COMMISSIONER: And that's when you started your own business? Are you in Toronto now?

THE WITNESS: Yes.

20

MS. CHOWN:

Q. At the present time you're not involved in playing football, but do you continue to work out and do any lifting?

25 A. Yes, I do.



MS. CHOWN: Thank you, Mr. Commissioner.  
Those are the questions I have for Mr. Lococo.

THE COMMISSIONER: Mr. Hughes -- do you  
have questions, Mr. Steinecke?

5 MR. STEINECKE: Yes, I just have a couple of  
questions to clarify.

THE COMMISSIONER: Would you mind standing  
aside for a minute, Mr. Hughes?

10 Go ahead. A very limited examination, Mr.  
Steinecke.

MR. STEINECKE: Yes. I just have a couple  
of clarification questions.

--- EXAMINATION BY MR. STEINECKE:

15 Q. I represent the College of Physicians  
and Surgeons, and I want to ask you a few questions about  
when you saw Dr. Artinian. You explained what happened or  
didn't happen on the first visit. Just to clarify, on the  
subsequent visits when you returned afterwards, in any of  
20 those visits did Dr. Artinian discuss the risks and side  
effects?

A. Not to my knowledge.

Q. Did he do a physical examination on  
you?

25 A. No.





Q. Did he take a history from you?

A. No.

Q. Did he do lab tests?

A. No.

5 Q. Did you ever present any health problems to Dr. Artinian?

A. Not once.

THE COMMISSIONER: Mr. Hughes?

MR. HUGHES: Thank you, Mr. Commissioner.

10 --- EXAMINATION BY MR. HUGHES:

Q. Just so that I can clarify dates again, I was advised by Commission counsel that the dates of Mr. Lococo's visits to Dr. Artinian were between August 15, 1984 and August 26, 1985, and we were unable to locate any records at this time that relate to that period. I take it that you didn't see Dr. Artinian during that period?

A. No.

Q. So that you saw him, as you say, between 1981 and 1982; is that right?

20 A. M'hmm.

Q. So that's more than six years ago, I take it?

A. M'hmm.

MR. HUGHES: The reason I ask that question, Mr. Commissioner, is that medical records often

25



aren't kept --

THE COMMISSIONER: I understand.

MR. HUGHES: -- and are not required to be kept beyond that period of time, as an explanation for the absence of these records.

MR. HUGHES:

Q. I take it that given the first time that you went to see Dr. --

THE COMMISSIONER: Is that right? Don't doctors keep records back? They seem to keep them in perpetuity.

MR. HUGHES: My information is that --

THE COMMISSIONER: Everytime I go to a doctor, he's still got the old file there.

MR. HUGHES: You may be continuing to see the doctor, and that's why he has your file. My understanding is that you stop seeing him and it's more than six years ago then it's not required that the file be kept.

THE COMMISSIONER: All right.

MR. HUGHES:

Q. So you saw Dr. Artinian for the first time, as you say, I guess about eight years or more ago?



A. Yes.

Q. Now I take it you don't have any notes  
or other documents that you made contemporaneously with  
those visits that you now have to refresh your memory; is  
that right?

A. That's right.

Q. Is it fair to say that you don't  
remember clearly exactly what was said and discussed and  
exactly what happened in Dr. Artinian's office over eight  
years ago?

A. I remember what happened.

Q. So you do remember exactly what  
happened?

A. Yes, pretty much so.

Q. Pretty much so?

A. Yeah.

Q. Well, let's just talk about that for a  
moment. You were, if I can fairly put it, a fairly  
significant user of steroids before you came to see Dr.  
Artinian; is that right?

A. No. It wasn't fairly significant.

THE COMMISSIONER: He said he used it for  
three months in high school.





MR. HUGHES:

Q. Well, I also heard you say that when you were working out, when you came to Canada and you were working out, you got steroids from friends in some gyms.

5 THE COMMISSIONER: You're right.

THE WITNESS: I had just started.

MR. HUGHES:

10 Q. You mentioned Deca, Winstrol tablets, Metandren tablets sub-lingular. That's certainly more than just the three-month period, isn't it?

THE COMMISSIONER: I think he said he had just started.

THE WITNESS: I had just started.

15

MR. HUGHES:

Q. And you were taking all those steroids; is that right?

20

A. Not all at the same time. I was taking a bit here and there. It was very small dosages.

Q. Well exactly when did you take Deca before you saw Dr. Artinian?

A. I don't remember.

Q. You don't remember?

25

A. No.



Q. But you remember exactly what happened when you saw Dr. Artinian the first time?

A. Yes, I do.

Q. When did you take the Winstrol tablets?

5 A. After I went to Dr. Artinian.

Q. Not before?

A. No.

Q. I thought you told us you took those before you saw Dr. Artinian, about 20 minutes ago?

10 A. I don't think I -- did I say that? I don't remember. I took so many different types in the last eight years, I don't remember exactly which one I bought at that time. All I remember is I went to Artinian, and he wanted money. He said, "What do you  
15 want?" I told him what I wanted, and he gave it to me and I paid him.

Q. So you don't remember saying a few minutes ago that you took Winstrol before you saw Dr. Artinian; is that right?

20 A. Yes.

Q. I see. Do you remember when you took Metandren before you saw Dr. Artinian?

A. No.

Q. But you remember you took Metandren  
25 before you saw Dr. Artinian?



A. I'm not sure of the exact time.

Q. You're not sure?

A. No. All I remember, like I just said, I remember, I went and I bought steroids from Artinian.

5 Q. Is that all you remember about Dr. Artinian?

A. Yes.

Q. So you don't remember exactly what happened on each of the visits, do you?

10 THE COMMISSIONER: Well, that's not quite fair, Mr. Hughes.

MR. HUGHES: Well, I think it is fair.

THE WITNESS: The same thing happened every single time I went there. I bought steroids from him.

15 THE COMMISSIONER: He has told us that. If there's anything else that you say happened, put it to him.

MR. HUGHES: Well I will be putting it to him, sir, but the purpose of the questions -- I think I'm  
20 entitled to test his recollection generally, which is what I'm doing.

THE COMMISSIONER: Well you have just --

THE WITNESS: The only reason I would go to a doctor in the first place like Artinian --

25 THE COMMISSIONER: Excuse me. When I



5 speak, you be quiet.

He's said, in his evidence, what transpired when he went to the doctor's office. He got the vials and the tablets and took them home. Now if anything else  
5 happened at that time, you put it to him and see if he remembers or not.

MR. HUGHES: Thank you, sir.

MR. HUGHES:

10 Q. If I can just lead into that, how did you hear about Dr. Artinian? What caused you to go to see him?

A. Friends.

15 Q. Friends. And were they seeing Dr. Artinian?

A. Yes.

Q. And were they purchasing vials and tablets as you were --

A. Yes.

20 Q. -- or were they having those --

A. They were buying it from him.

Q. I'm sorry, if you could let me finish my question --

A. They were buying it from him.

25 Q. -- and you can answer all you want.





Sorry?

A. They were buying it from him also.

Q. And to your knowledge, were they getting the injections from him at the time?

5 A. No they would just buy a quantity from him.

Q. They would just buy a quantity of steroids?

A. Yes.

10 Q. And who were these people?

A. Friends.

Q. You're not prepared to tell us who they were?

15 A. I don't remember their names. Old acquaintances.

Q. You don't remember their names?

A. No, just people in the gym.

Q. I see.

20 THE COMMISSIONER: I think you said you went to Dr. Artinian, was it the first time, with Mr. Logan?

THE WITNESS: No, no, no. He was the one who first referred me to Astaphan.

25 THE COMMISSIONER: Oh, I'm sorry. Mr. Astaphan. Thank you.



I'm sorry, Mr. Hughes. I interrupted you.

MR. HUGHES: Thank you, Mr. Commissioner.

MR. HUGHES:

5 Q. When I heard you first in answer to Ms. Chown's questions, I think you indicated that you got several vials of something?

A. Yes.

Q. Do you know what it was?

10 A. Yes, I do. That was Deca.

Q. So Deca-Durabolin?

A. That was the main one I was after at that time.

15 Q. And did you know that because it said so on the package, I take it?

A. Yes.

Q. And the package that you received, you say you received from Dr. Artinian, did it contain a pamphlet that described the drug?

20 A. No.

Q. Inside the package --

A. It wasn't in the package. It was in his hand and I put it in my pocket.

25 Q. I thought you said you saw on the package that it said Deca-Durabolin?



A. I saw on the vial it said  
Deca-Durabolin.

Q. On the vial itself?

A. Yeah.

5 Q. So you didn't see a package?

A. There was never a package.

Q. You remember that?

A. Sure I do.

10 Q. Now you also said later on, I believe  
in response to either Ms. Chown or the Commissioner, that  
you got some tablets at the same time. Were you getting  
vials and tablets at the same time?

A. Yes, I was.

15 THE COMMISSIONER: On each occasion or  
just --

THE WITNESS: On the first time, I got Deca  
and Metandren.

THE COMMISSIONER: I see.

20 MR. HUGHES:

Q. How many tablets of Metandren did you  
get?

A. I think there were 25 in a bottle or 50  
in a bottle. Yeah, they came in two different sizes.

25 Q. And what did you get?





A. The first time I think I got 25 and the second time I got 50, and the last two times I didn't like them any more because I didn't think they were doing anything.

5 Q. What kind of a bottle or package did they come in; do you remember?

A. He just put them in a pill bottle.

THE COMMISSIONER: They are tablets, aren't they?

10 MR. HUGHES: Yes they are, sir, linguets, as I understand it.

THE COMMISSIONER: All right.

MR. HUGHES: They go under the tongue.

15 MR. HUGHES:

Q. Is it your understanding that that's so the drug bypasses the liver because they dissolve slowly from under your tongue?

20 A. You're supposed to get more of an effect if you put them under your tongue, I was told.

Q. I see. Who told you that?

A. Some friends. You could take them either way, and they said they thought they worked better if you put them under your tongue.

25 Q. I see. Now you mentioned that you got



tired of waiting to see Dr. Artinian. I take it that you'd actually see Dr. Artinian when you made these acquisitions or you say you made these acquisitions; is that right?

5 A. Yes.

Q. And he'd keep you waiting or you'd be waiting in the waiting room for four hours or so?

A. Well, that's a bit of an exaggeration, but I was there for at least a couple of hours at times.

10 Q. So you'd actually see him?

A. Yeah.

Q. You wouldn't just --

A. I would see him.

15 Q. If you would just let me finish my question.

THE COMMISSIONER: Would you have an appointment or would you just walk in?

20 THE WITNESS: No, no. I would just walk in. You could walk in any time you wanted. That's why you would have to wait so long.

MR. HUGHES:

Q. So he'd keep you waiting in the waiting room for two hours or more or whatever period --

25 A. Well, there's 25 people sitting in the



office.

Q. Just to sell you a vial? Not to say anything to you; just to sell you a vial and tablets?

A. Sure.

Q. That's what you'd have --

A. That's all I came for.

Q. How long did the transaction take that you're talking about?

A. Two, three minutes; in and out really fast.

Q. Two, three minutes to sell you a vial?

A. Vials.

Q. This was when? In 1981 initially?

A. '81 or '82.

Q. You don't remember?

A. No, I don't.

Q. I see. You said you left Dr. Artinian because you wanted your blood checked and better service?

Q. Yes.

Q. Well, you never wanted that before, did you?

A. Sure I did.

Q. Well, when you were purchasing tablets at --

A. He was so concerned with "pay me now;



pay me now." That's all he kept saying. "Pay me now," and then let's go. It was like he was in a hurry, he was nervous or something.

Q. We'd get along better if you'd just  
5 wait until I finish my question.

When you received steroids from your friends whose names you can't remember, did you get your blood checked or did you receive any other service from them?

A. No.

Q. So you were taking steroids for some  
10 period of time before you saw Dr. Artinian --

A. M'hmm.

Q. -- without any blood check or any  
service; is that right?

A. That's right.

Q. But you were dissatisfied with Dr.  
Artinian because you didn't get your blood checked and any  
service; is that right?

A. He didn't tell me anything. I didn't  
20 learn anything from him, and I was told that I should find a doctor that I could trust, that would treat me right as in checking my blood and telling me about these different drugs.

Q. I see. So that you decided --

A. I was told that he wasn't a good doctor  
25





to go to, just to buy it from, not to get yourself tested from.

Q. But you decided at that point that you wanted to go to a doctor to get proper advice and medication and not pursue the course that you started on in acquiring this stuff from your friends; is that right?

A. That's right.

Q. And after you saw Dr. Artinian, stopped seeing Dr. Artinian, did you again get some different types of steroids from other sources other than doctors?

A. Yes, I did.

Q. So you weren't concerned about the blood checks and the service that you got after you saw Dr. Artinian when you were looking for other sources of steroids, were you?

A. Yes, I was.

Q. But you did anyway?

A. Yeah.

Q. And the one steroid that you indicated or one of the steroids you indicated you got from other sources other than Dr. Artinian or other medical practitioners was a veterinary steroid, wasn't it?

A. Yes, it was.

Q. And you got that from the black market, didn't you?



A. Sure did.

Q. And that didn't come with a blood check or any other service, did it?

A. Nothing at all.

5

Q. I take it you don't recall on your initial visit to Dr. Artinian or on any subsequent visit whether he asked you whether you had a history of rheumatic heart disease, hypertension, hepatitis, mumps or aggressive behavior?

10

A. No.

Q. You don't remember him asking you those questions?

A. Not at all. I would have remembered that.

15

Q. You would have?

A. Sure I would have.

Q. I see. You don't remember him checking your abdomen, checking for swelling --

20

THE COMMISSIONER: I think you should ask him did he ask him, did he check your swelling.

MR. HUGHES: Well, perhaps I'm anticipating the answer, Mr. Commissioner.

25

THE COMMISSIONER: I think you should just ask him whether he did these things. It might not be a question that he doesn't remember. They might not have



been done.

MR. HUGHES: I think in cross-examination,  
with respect, sir, I'm entitled to test his recollection  
rather than just asking him what he --

5 THE COMMISSIONER: You should ask him were  
these things done.

MR. HUGHES:

Q. All right. Did he check your abdomen?

10 A. No.

15

20

25





Q. For swelling in your feet?

A. No.

Q. Did he listen with a stethoscope to  
your heard sounds or chest?

5 A. No.

Q. Did he have a stethoscope on when he  
saw you?

A. Yes, he did.

Q. But he didn't use it?

10 A. No.

Q. Did he take your weight and your blood  
pressure?

A. No.

Q. And your evidence is he didn't ask you  
15 or give you any information with respect to steroids or  
their side effects? Is that he didn't or you don't  
remember?

A. He didn't.

Q. Did you ever advise Dr. Artinian of any  
20 complaints that you had with respect to the use of this  
medication?

A. No.

Q. Did you expect to pay for the  
medication that you say you received from Dr. Artinian?

25 A. Sure.



Q. You didn't expect to get it for nothing, I take it?

A. Of course not.

Q. You say that you didn't get steroids from any other source during the period that you saw Dr. Artinian; is that right?

A. That's right.

Q. But you don't recall when you saw Dr. Cherry?

A. No, I don't remember that.

Q. Would that have been before you saw Dr. Artinian, during the time you saw Dr. Artinian?

A. It wasn't during because Artinian was the only one I went to at that time period.

Q. It was after?

A. Yes, before or after, I am not really sure which one.

Q. You are not really sure; it was a long time ago?

A. Yes.

Q. So, you don't remember?

A. Not him, no.

MR. HUGHES: Thank you, those are all my questions.

THE COMMISSIONER: Thank you. Any



re-examination, Ms. Chown?

MS. CHOWN: No, thank you, Mr.

Commissioner.

THE COMMISSIONER: Thank you very much, Mr.

5 Lococo.

MS. CHOWN: Mr. Commissioner, our next witness is Andy Marshall. He is present and ready to be sworn.

10 ANDY DENNISON MARSHALL: Sworn.

--- EXAMINATION BY MS. CHOWN:

THE COMMISSIONER: Mr. Marshall. Ms. Chown.

15 MS. CHOWN:

Q. Mr. Marshall, you were born in 1966 in Trinidad?

A. Yes.

Q. Your family came to Canada and you came  
20 along with them in 1972?

A. Yes.

Q. Where did you attend high school?

A. Nelson A. Boylen Secondary School.

THE COMMISSIONER: Would you just speak a  
25 little closer to the mike because your voice drops.



THE WITNESS: Nelson A. Boylen Secondary  
School.

THE COMMISSIONER: Nelson A. Boylen.

THE WITNESS: Yes, that's in North York.

5

MS. CHOWN:

Q. In North York. What year did you  
obtain your Grade 13?

A. In 1984.

10

Q. Following that I understand you became  
a student at York University enrolling there in the fall  
of 1984?

A. Yes.

15

Q. You studied at York up until October of  
1986?

A. Yes.

Q. You then left York for a year,  
returning there in the fall of 1987?

A. Yes.

20

Q. And you will be returning to York this  
fall?

A. Yes.

Q. Will you complete your degree then in  
1990?

25

A. That's right. I will graduate in 1990.





Q. What is your area of study?

A. Music.

Q. Mr. Marshall I understand that --

5 THE COMMISSIONER: What have you been doing  
in the meantime, working, or you have been off school for  
awhile?

THE WITNESS: I was off school for one year,  
and I went back in the fall of '87, and I have continued  
through.

10 THE COMMISSIONER: Since '87.

THE WITNESS: Yes, since '87.

THE COMMISSIONER: All right. Thank you.

MS. CHOWN:

15 Q. When you were in high school, Mr.  
Marshall, I understand that you participated in track and  
as well played football?

A. Yes.

20 Q. When you went to York University it was  
your desire to continue to play football. Your first year  
there, which would have been the fall of 1984, I  
understand you did not play?

A. That's right.

25 Q. In the fall of 1985 you tried out for  
the York Yeoman, but you did not make the team?



A. That's right.

Q. So the first time that you did play for York was in the fall of 1986?

A. That's right.

Q. What position did you have?

A. Running back.

Q. And then as we have heard, you left York following the football season in 1986, and spent your year out. And when you returned to York in 1987, did you go back to playing football?

A. No, I didn't.

Q. All right. And do you have any --

THE COMMISSIONER: You only played the one year then?

THE WITNESS: Yes.

THE COMMISSIONER: That's 86.

THE WITNESS: That's right.

THE COMMISSIONER: How tall are you?

THE WITNESS: Five-seven.

THE COMMISSIONER: That's encouraging.

MS. CHOWN: You can think of a second career, Mr. Commissioner.

MS. CHOWN:

Q. Mr. Marshall, I would like to turn your



attention now if I could to anabolic steroids and ask you when you had your first contact with steroids?

A. During the summer of 1985, a summer job, a friend of mine was a body builder who worked out at Gold's Gym. And he just -- he was telling me about this and I said "Okay, it sounds interesting, why don't I try it."

Q. Was he a steroid user himself, your friend?

A. Yes, he was.

THE COMMISSIONER: What was he doing in '85? I have somehow lost track.

MS. CHOWN:

Q. He was at York. And this would be the summer, you had a summer job, did you?

A. That's right. This was the summer after my first year at York University.

Q. You say as a result of the conversations you had with this friend that you met in your summer job, you became interested in trying steroids?

A. That's right.

Q. All right. And did this friend provide you with any information as to where you could obtain steroids?





A. Yes, he directed me to Dr. Artinian.

Q. Had he himself been to Dr. Artinian prior to that?

A. Yes.

5 Q. And do you recall yourself when you first went to see Dr. Artinian?

A. I don't recall the exact date, but it was during the summer of '85.

10 Q. Can you tell me what you recall of your first visit to his office? First of all, did you go alone?

A. No, I went with my friend.

Q. Did your friend serve to introduce you to the doctor?

15 A. Yes, basically.

Q. All right.

A. He didn't -- we didn't really all see the doctor together. He more or less just came to show me the ropes kind of thing to see how the process worked.

20 But, you know, we waited in the waiting room for a couple of hours because there were a bunch of people there. And then we went in to different rooms. And we got the shot and left.

25 Q. All right. Let me just go back to the point where you went into the room. Is that the point you



saw Dr. Artinian?

A. Yes.

Q. Can you tell me what you recall  
happening when you saw him?

5 A. He asked me what I wanted. I told him  
Deca, Deca-Durabolin. And he asked me why I wanted it.  
And I said, well, I am interested in gaining some weight.  
And I think he did take my blood pressure. And he gave me  
a shot of Deca. And he just told me don't drink any  
10 alcohol. And that was it.

Q. Did you tell him that you were  
interested in playing football for the York Yeoman?

A. No, I didn't, didn't tell him that. I  
just told him I was interested in gaining weight.

15 Q. You asked him for Deca-Durabolin?

A. Yes.

Q. Was that a drug that your friend had  
suggested to you might be appropriate?

A. Yes.

20 Q. And you say that you received an  
injection of Deca-Durabolin from Dr. Artinian on that  
visit?

A. Yes.

Q. Do you recall now what the dosage was?

25 A. No, I don't.



THE COMMISSIONER: Is that important, Ms.  
Chown?

MS. CHOWN:

5 Q. All right. Did you make my payment for  
the injection?

A. Yes.

Q. Do you recall now what that was?

10 A. I don't recall the figure. It could  
have been 18, it could have been 35; I don't remember how  
much it was.

Q. During that first visit did Dr.  
Artinian take your medical history?

15 A. He asked me a few general questions.  
Something -- you know, if I was in the hospital recently,  
if I have any heart conditions or anything like that, but  
it wasn't anything where I had to sit down and check off a  
list or anything. It was just very general questions.

20 Q. Were you experiencing at the time you  
went to see Dr. Artinian any problem with low back pain?

A. No.

Q. Is that something that you would have  
asked him about or mentioned to him on your first visit?

A. No. I have no problems with that.

25 MS. CHOWN: Mr. Marshall, Mr.



Commissioner, has provided a consent and Dr. Artinian's  
counsel has provided with us a copy --

THE COMMISSIONER: All right.

MS. CHOWN: -- of his record. And I would  
5 like to just show the witness the first page of that  
record.

THE COMMISSIONER: May I have a copy of it?

MS. CHOWN: Do you have another copy?

MR. HUGHES: I do.

10 THE COMMISSIONER: Is this the original?  
Do you have the original file?

MR. HUGHES: Right here.

THE COMMISSIONER: What number would that  
be? 236?

15 THE REGISTRAR: 236.

MR. HUGHES: I am sorry, perhaps you would  
like the file folder.

THE COMMISSIONER: Yes, thank you, Mr.  
Hughes. Keep the original here. This will be 236.

20 Although they are marked as exhibits, they  
are not to be copied beyond the Commission.

THE REGISTRAR: Okay.

--- EXHIBIT NO. 236: Notes of Dr. Artinian re  
25 Andy Marshall





MS. CHOWN:

Q. Mr. Marshall, I have put before you a copy of Exhibit 236. In the front --

THE COMMISSIONER: I am sorry, excuse me.  
5 I have got the original. Do I have a copy?

THE REGISTRAR: I have the copy.

THE COMMISSIONER: This is the original.  
No, this is the original, Mr. Registrar.

THE REGISTRAR: That's the copy.

10 THE COMMISSIONER: That's the copy, thank you. Yes, Ms. Chown.

MS. CHOWN:

Q. Mr. Marshall, I have put before you a  
15 copy of your medical chart from Dr. Artinian's office. And the front page is a preprinted form with a number of boxes with places to put tick marks.

Looking at that form, first of all can you tell me whether you yourself completed any portion of that  
20 form?

A. No, I didn't.

Q. Is the information given at the top of the form as far as your name and so on, is that correct.

THE COMMISSIONER: Well, there is nothing  
25 on there.



MS. CHOWN: Does this one have no address,  
Mr. Commissioner?

THE WITNESS: That's right, just my name is  
on it.

5 THE COMMISSIONER: There is nothing on  
there except the name.

MS. CHOWN:

10 Q. Do you recall being asked any of these  
questions with respect to the various boxes that are  
indicated on page one, there are about nose, ears, eyes,  
et cetera?

15 A. No. From the amount of boxes I see  
there, he would have had to have talked to me for at least  
five minutes, and he just talked to me for about 30  
seconds.

20 THE COMMISSIONER: Well, is it possible  
this was given to you while you were in the waiting room  
and you were asked to fill it out while you were in the  
waiting room?

THE WITNESS: No.

MS. CHOWN:

25 Q. This has a date on it, Mr. Marshall,  
June 5, 1985. Does that roughly accord with your



recollection as about the time you may have seen Dr. Artinian?

A. Yes.

Q. I note in the box entitled "Chief Complaint" there is a reference to low back pain, "at times it radiates to -- " I am not sure what last word is. Mr. Hughes, is that --

MR. HUGHES: Both.

MS. CHOWN:

Q. To both. And that was the matter that I asked you about earlier. And do you recall any discussion --

THE COMMISSIONER: Did you not give your OHIP number?

THE WITNESS: No.

THE COMMISSIONER: Pardon?

THE WITNESS: I did give my OHIP number to the receptionist for the first time.

MS. CHOWN:

Q. Mr. Commissioner, I believe on the second page of the chart -- just to show that to Mr. Marshall -- there is a list of his address, telephone number, and what I believe is his OHIP number in the top



right-hand corner.

A. Yes.

Q. That's your correct address and phone number?

5 A. At that time, yes.

THE COMMISSIONER: What page was that, Ms. Chown?

MS. CHOWN: In my copy it is the second page after the preprinted form, the page with handwriting.

10 THE COMMISSIONER: I have a lab report here.

MS. CHOWN: There is a date June 18, 1985.

THE COMMISSIONER: May I see it, please.  
Oh, yes, I see know. Thank you.

15 MS. CHOWN:

Q. After that first visit on which you recall --

20 THE COMMISSIONER: I am sorry, when you first saw him, what did you say? Did you tell him why you were there?

THE WITNESS: I am sorry?

THE COMMISSIONER: Did you tell the doctor why you were there?

25 THE WITNESS: Yes.





THE COMMISSIONER: Did you have any medical complaints? Were you asking for any medical advice other than getting steroids?

5 THE WITNESS: No, I just wanted to get some steroids.

THE COMMISSIONER: Were you having trouble with your back at that time?

THE WITNESS: No, I wasn't. I have never had trouble with my back.

10 THE COMMISSIONER: All right. Go ahead.

MS. CHOWN:

15 Q. After that first visit which we have now placed as being in June of 1985 on which you recall receiving your first injection of Deca-Durabolin, did you continue to return to see Dr. Artinian?

A. Yes. During the summer I went back probably two or three times.

20 Q. What happened on the occasion of each of those visits?

A. Basically the same thing. You know, the main thing was the transaction: him giving me the shot, me giving him the money. And occasionally he would take my blood pressure.

25 Q. When you say he gave you the --



THE COMMISSIONER: Excuse me, what does this say, Mr. Hughes, on the next -- the second visit? I have got the first visit, what --

MR. HUGHES: I am sorry, sir?

5 THE COMMISSIONER: -- June 18, 1885.

MR. HUGHES: Yes.

THE COMMISSIONER: The next one says July 12. What does it say there, "physique problem"? They are all called physique problems.

10 MR. HUGHES: I believe it says and left external otitis, which I understand to be an ear affliction.

THE COMMISSIONER: A what?

MR. HUGHES: An ear problem.

15 THE COMMISSIONER: Did you have an ear problem?

THE WITNESS: No, sir.

THE COMMISSIONER: Pardon?

THE WITNESS: No, sir, no.

20 THE COMMISSIONER: What does the next thing say?

MR. HUGHES: In my translation it says "no complaints apart from itchy left ear. No icterus. No edema. Chest normal. Abdomen normal. Blood pressure reading." And there is a heart S-1, S-2, normal, heart

25



sounds.

THE COMMISSIONER: And Deca?

MR. HUGHES: Deca-Durabolin 50 milligrams  
IM, intramuscular. And what I believe to be Sofracort, I  
5 am sorry about my pronunciation, drops which I understand  
to be for the ear problem.

THE COMMISSIONER: Did you get drops for  
your ear?

THE WITNESS: No, sir.

10 THE COMMISSIONER: All right. Go ahead,  
Ms. Chown.

MS. CHOWN:

15 Q. The Commissioner has directed you to a  
note for a visit of July 12. And there is also a note  
indicating that you were at Dr. Artinian's office July 26,  
1985. So, that would be two visits in June and two visits  
in July. Does that accord with your recollection?

A. Yes.

20 Q. And by the time you got to the end of  
July, you, on your own recollection, then had received  
four injections of Deca-Durabolin from Dr. Artinian?

A. Yes.

25 Q. Had you noticed any changes as a result  
of taking these shots, any effects?



A. Nothing drastic. I did gain a couple of pounds, but at that time I wasn't working out very heavily or anything. So, it wasn't -- there wasn't a lot of effort put in to seeing the change.

5 Q. Would you have indicated to Dr. Artinian that you were not very pleased with the gains that you had made?

A. I may have said that I was a little disappointed in terms of how much weight I have put on because I was told that these were like wonder drugs, you  
10 know, you go on them and immediately you gain 15 pounds kind of thing, and that didn't happen.

THE COMMISSIONER: How much were you weighing in those days?

15 THE WITNESS: One-fifty.

THE COMMISSIONER: One-hundred-and-fifty pounds?

THE WITNESS: Yes.

THE COMMISSIONER: Thank you.

20 MS. CHOWN:

Q. There is a note on July 26 that physique problem has not done that well yet in bettering his body.

25 A. Well --





Q. To the extent that you may have made some comments to Dr. Artinian that the weight gain was not as impressive as you expected. Is that possible?

A. That's possible.

5 Q. In July did you have any other health complaints that you were seeking advise or treatment from Dr. Artinian?

THE COMMISSIONER: You are in August now, are you?

10 MS. CHOWN: I believe, if I am reading the writing correctly, I am still on the July entry

THE COMMISSIONER: "Not done that well", is that July 26? I am sorry.

MS. CHOWN: Mr. Hughes, am I --

15 THE COMMISSIONER: It is? I am sorry, it looks like August. Thank you.

THE WITNESS: No, I didn't go to Artinian for any, any personal medical problems or anything like that. He was strictly for steroids.

20 MS. CHOWN:

Q. Did you have your own family doctor during this time period?

A. Yes, I did.

25 Q. In particular, in July of 1985, were



you experiencing or had you experienced for a couple of days prior to your visit a mild chest ache on your left side of your chest?

A. No, not to my recollection.

5 Q. Following the summer visits to Dr. Artinian, did you return to his office at any time that you recall?

A. I may have returned in the winter of -- either the winter of '86 or, you know, December-January  
10 somewhere around there.

I remember I was thinking about going back to play football in '87, the fall of '87. So, I was beginning to start on a program to beef myself up, you know, to put on some more weight and stuff. So, I may  
15 have gone back at that time, January or so.

Q. All right. What was the purpose of attending in January? Was it to get steroids?

A. Oh, yes.

Q. Do you recall whether you obtained an  
20 injection of steroids from Dr. Artinian in your last visit which you --

A. Well, I don't recall specifically, but I know that if I went to Artinian it was only to get steroids. And every time that I went, I received a shot.

25 Q. Now, Doctor Artinian's notes do record



a visit, and I believe the date is January 24, 1986.

Might that be the visit that we are talking about that you recall going --

A. Yes.

5 Q. -- to see him for the last time?

A. Yes.

THE COMMISSIONER: What does this say, Mr. Hughes, I can't make it out.

MR. HUGHES: I am sorry, sir.

10 THE COMMISSIONER: What does this note say?  
I am pleased to note somebody has worse writing than I have.

MR. HUGHES: I believe it says viral illness.

15 THE COMMISSIONER: Viral, yes.

MR. HUGHES: "Feels he has the flu, is dissatisfied with results".

THE COMMISSIONER: Feet.

20 MR. HUGHES: Pharyngitis, a throat inflammation, I believe, P-H-A-R-Y-N-G-I-T-I-S. Chest clear, abdomen normal, no icterus, no edema. And a blood pressure reading and fluids and allergy test recommended.

THE COMMISSIONER: I see. Did you have the flu? Did you go see him about your flu?

25 THE WITNESS: No, sir.



THE COMMISSIONER: All right.

MS. CHOWN:

Q. And do you recall him making any  
5 recommendation to you about allergy testing?

A. No.

Q. And in fact just so I am clear, it is  
your recollection that you may have received an injection  
on your last visit to him?

10 A. Yes. That was my pattern. Every time  
I went, I got an injection. I was never refused, so.

Q. Following your last visit to Dr.  
Artinian, which these notes indicate was in January of  
1986, did you continue on any form of steroid program?

15 A. No, I didn't.

Q. During the time period that you were  
seeing Dr. Artinian, which we established started in June  
of 1985, two visits in June, two visits in July, one visit  
in early 1986, were you obtaining steroids from any other  
20 source, Mr. Marshall?

A. No, I wasn't.

Q. And as you have told us earlier, the  
last football season you played was the fall of 1986 and  
you haven't returned to play football since then?

25 A. That's right.







MS. CHOWN: Mr. Commissioner, those are all the questions I have of Mr. Marshall.

THE COMMISSIONER: Mr. Steinecke?

MR. STEINECKE: No questions.

5 THE COMMISSIONER: All right. Mr. Hughes.  
Thank you.

MR. HUGHES: Thank you, Mr. Commissioner.

--- EXAMINATION BY MR. HUGHES:

10 Q. I take it, Mr. Marshall, that you recall going to Dr. Artinian in or about June of 1985?

A. Yes.

15 Q. And are you certain about whether you got a shot of -- we will get to what it was later -- the first time you saw him?

A. Yes.

Q. Or is it possible that you saw him to discuss the problem and may not have got the shot the first time?

20 A. No, he is not someone you discussed with, you simply do.

Q. I am sorry, I didn't hear you.

THE COMMISSIONER: You have to speak up, I am sorry, Mr. Marshall.

25 THE WITNESS: I said we never had any



real discussions. We just did what we had to do, that was it.

MR. HUGHES:

5 Q. We will get to that in a moment. And you don't recall whether Dr. Artinian asked you at that time whether you had any other general problems with your health?

10 A. The first time he did ask me, you know, general health questions, but like I said that may have lasted about 30 seconds. It wasn't very detailed or anything.

15 Q. And may they have been the general questions that relate to some of the matters that are on the form that you saw in your file?

A. Well --

THE COMMISSIONER: Well --

THE WITNESS: -- it may have been. There is a lot of matters on that form, so.

20

MR. HUGHES:

Q. But he asked you in general terms about your health and your health history; is that right?

25 A. Yes, just, you know have I been in the hospital recently, do I have any, you know, heart problems



or illnesses, that type of thing.

Q. Right. Would he have asked you about whether you had a history of rheumatic heart disease? That would have been something that he would have asked you?

A. I don't think he asked me specifically about that. He just said "do you have any heart problems?"

Q. What about do you recall him asking you about mumps, hepatitis, hypertension, or aggressive behavior?

A. No.

Q. You don't recall?

A. I know he didn't ask me about those things.

Q. Do you recall whether he --

THE COMMISSIONER: I think -- you see, Mr. Hughes, the way you are saying that the assumption is that these things were said and done and they may not have been. "Do you remember something", and if he says no, the suggestion is it happens; he can't remember.

The fair thing is to ask him "did he do this" "are you sure" or you don't know whether he did or not.

MR. HUGHES: Well, in fairness, sir --



THE COMMISSIONER: But to say "do you recall" or "do you remember" the inference is that what you say he doesn't remember actually occurred. It may or may not have, I don't know.

5 MR. HUGHES: Well, sir, I agree that's the inference. And what I am doing is asking --

THE COMMISSIONER: You are doing it all the time with all these witnesses, Mr. Hughes. Ask him what was done, what they do remember or what they don't  
10 remember, but you say do you remember him asking about rheumatic heart condition and he says no. That doesn't mean it was put to him, but you are suggesting it was.

MR. HUGHES: Sir, what I am doing is I am going through what I have as Dr. Artinian's records.

15 THE COMMISSIONER: You put what he said and you asked him did he ask about rheumatic heart condition. And he says, no, he didn't ask me about heart condition, not do you remember this, or do you recall this, because we don't know whether it was done or not. Do you hear?

20 MR. HUGHES: I believe, sir, with respect that it is proper for me to attempt to test his recollection.

THE COMMISSIONER: Yes, but not in a way that suggests something was done or questions asked of the  
25 patient which may or may not have happened. Ask him what





transpired.

MR. HUGHES: The notes do suggest that.  
And in fairness, what -- all I am doing is putting those  
notes to him and if he wants to say --

5 THE COMMISSIONER: You asked him before.  
Ask him whether he was asked about -- I don't see  
rheumatic heart condition on the notes.

MR. HUGHES: RHD is rheumatic heart  
disease.

10 THE COMMISSIONER: That's in '85.

MR. HUGHES: That's June 18, 1985.

THE COMMISSIONER: What does it say here?

MR. HUGHES: It says no history of the RHD,  
rheumatic heart disease or mumps.

15 THE COMMISSIONER: Ask him whether he asked  
him about RHD.

MR. HUGHES: That's what I thought I had  
done.

20 THE COMMISSIONER: You say do you remember  
him asking you this and he says no. That doesn't mean  
it was asked.

MR. HUGHES: Sir, I am attempting to be  
fair to the witness.

25 THE COMMISSIONER: I know you are, Mr.  
Hughes.



MR. HUGHES: I have notes that indicate something other than the witness says was done was done.

THE COMMISSIONER: I understand. The note may or may not be accurate, we don't know yet. You can  
5 just ask the witness -- just because there is a note doesn't mean it is accurate, necessarily.

MR. HUGHES: That's what I was doing.

THE COMMISSIONER: All right. Just ask him whether these things were put to him.

10 MR. HUGHES: Well, I think we have been over those little items at the moment.

THE COMMISSIONER: All right.

MR. HUGHES:

15 Q. Do you recall --

THE COMMISSIONER: Is that hepatitis coming up there?

MR. HUGHES: I wasn't going to ask any more about those particular disorders. I think we have his  
20 answer.

THE COMMISSIONER: Thank you.

MR. HUGHES:

Q. Have you had any of those conditions  
25 before?



A. No.

THE COMMISSIONER: I am not trying to cut you off, Mr. Hughes, but I think you asked him, you pressed him to see whether these things were done.

5 MR. HUGHES: Yes, that's exactly what I am doing, sir.

THE COMMISSIONER: They could have been done and he might not have remembered, but do not start out the question "do you remember this happening" and the answer no suggested it happened. It may or may not have happened.

10

MR. HUGHES: Well, sir, in fairness he has -- do you have any notes or any other record of these visits or what happened on the visits?

15 THE WITNESS: No, sir.

THE COMMISSIONER: All right.

MR. HUGHES: You see, sir, the disadvantage I am at is that all I have as a written record are Dr. Artinian's notes.

20 THE COMMISSIONER: I understand that, but you put to the witness, press him if you like, what was said, what was done. And if you are asked about the rheumatic heart disease, he says he asked about his heart. You pressed him on that. I don't know how important that is, but you pressed him on that. But the line of

25



questioning you have been using throughout, in my view, isn't quite the proper way of doing it, if I may so with respect, but carry on.

5 MR. HUGHES:

Q. Do you recall, sir, or did Dr. Artinian listen to your heart and chest with a stethoscope?

A. He may have done that the first visit.

10 Q. Do you recall whether he checked your testicles or did he check your testicles?

A. No, he didn't.

Q. Did he take your blood pressure?

15 A. He did take it on two occasions. I don't recall exactly which two, but I remember there was twice that -- there were two times that he did that.

Q. Did he discuss with you some of the side effects of steroids as is recorded in his note of June 18, 1985?

20 A. No, he didn't. He simply said don't take any alcohol.

Q. And do you recall, I know you said you didn't recall the dosage of Deca-Durabolin. Do you recall the form in which it came? Did it come in a package? Did the vial come in a package?

25 A. The vial -- I didn't see a package.







All I know is he came with the vial in his hand and, you know, he filled up the syringe and he injected me.

Q. Did you get part of the vial?

A. No.

5 Q. You think you got the whole vial?

A. Yes. If I got part of it, I didn't get the rest of it to take home or anything.

Q. No, I appreciate that. I am talking about what you actually got at the time. Could you have  
10 got part of the vial?

A. I think I got the whole thing.

Q. You are not sure?

A. I am not positive, no.

Q. And the charts indicate that you  
15 returned to see Dr. Artinian on July 12, 1985. I take it that's possible?

A. Yes.

Q. And when you were discussing the anabolic steroid or receiving your injection, is it  
20 possible that you would have mentioned to him that you had some other sort of problem, not that you went to see him for another problem like an itchy ear, but that you mentioned it in getting the injection from him. Is that possible?

25 A. I don't think so simply because that's



not at all related to why I was there.

Q. So, it is not possible?

A. I don't think so, no.

Q. You don't think so.

5 THE COMMISSIONER: You couldn't have  
discussed it with him just as a matter of conversation?

THE WITNESS: No, I don't think I would  
have.

10 MR. HUGHES:

Q. And you returned, the notes indicate,  
to see Dr. Artinian on July 26, 1985. I take it that's  
possible?

A. Yes.

15 Q. And you received another injection of  
Deca-Durabolin?

A. Yes.

Q. And you don't recall advising Dr.  
Artinian or discussing with him any other complaint?

20 THE COMMISSIONER: Well, did he?

MR. HUGHES: Well, I am going to suggest --

THE COMMISSIONER: Ask him whether he is  
certain, but did he discuss any complaints.

25



MR. HUGHES:

Q. Did you discuss another complaint with Dr. Artinian?

A. No, sir.

5 Q. Well, then what is your explanation, sir, and I will ask you, for the lab reports, the blood work, urinalysis, special hematology report, and GGTP report that were performed on July 26, 1985. Why was that done?

10 A. I have no idea. This today is the first time that I am hearing that this was done. And I have -- I didn't get any results from him or anything like that.

15 Q. I am sorry. So, is it your -- have you had a chance to look at these? Has Commission counsel showed you these lab reports?

MS. CHOWN: We very briefly reviewed them before --

20 THE COMMISSIONER: Did you show him the lab report, counsel?

MS. CHOWN: Yes.



MR. HUGHES:

Q. Are you saying that that wasn't your blood and urine that was analyzed?

5 A. I have no way of knowing. I don't think so. I didn't get --

THE COMMISSIONER: Well, did you go to the lab? Did the lab -- where was Dr. Artinian's office in those days?

10 MR. HUGHES: I believe in the Bloor Christie area.

THE COMMISSIONER: But this lab, did you go to 99 Avenue --

15 MR. HUGHES: I believe there is a lab associated with Park-Med Laboratories. That's downstairs from Dr. Artinian's office.

THE COMMISSIONER: Yes. We've heard of that. Did you go downstairs to take a blood test or urinalysis?

THE WITNESS: No.

20 MR. HUGHES:

Q. You didn't have your blood or urine taken?

25 A. No. I don't recall going down there to do that.





Q. You don't recall?

THE COMMISSIONER: Did you leave a sample  
in the doctor's office of urine or blood?

THE WITNESS: I don't recall doing that at  
all.

THE COMMISSIONER: That was supposed to  
have said to be done on the occasion of your visit on the  
26th of July?

THE WITNESS: No.

MR. HUGHES:

Q. What's your date of birth?

A. 11/11/66, November 11.

MR. HUGHES: Which is on the form.

THE COMMISSIONER: There is a reference to  
it in the notes. I don't think that necessarily means  
anything. There is no reference in the notes to having a  
blood test ordered, is there, on July 26th?

MR. HUGHES: No, sir, but what I was going  
to suggest is that those tests resulted from the complaint  
that's indicated on July 26th, 1985.

THE COMMISSIONER: What does the complaint  
say? "Has not done that well yet"; is that right?

MR. HUGHES: That's right. "Has no other  
complaints apart from left side mild chest ache. No



cough. No heartburn."

THE COMMISSIONER: What was the blood test for?

MR. HUGHES: Well, in my unmedical opinion, that's general blood work and urinalysis and a protein check on the blood and --

THE COMMISSIONER: But that's following a statement there were no complaints that day. I'm just trying to find out what occurred.

MR. HUGHES: So am I.

MR. HUGHES:

Q. I might point out to you, Mr. Marshall, that on the form headed "Park-Med Laboratories Limited" that's entitled "Special Hematology Report" -- I don't know if you can find that, Mr. Commissioner -- there is a handwritten note, I take it by the consultant, that says "recent viral illness" with a question mark beside it.

A. I have a question, though. If all of this was done, shouldn't I have gotten some sort of results of the analysis?

THE COMMISSIONER: Well you answer the questions and Mr. Hughes asks hem.

THE WITNESS: Okay. But all I'm saying is I got no results of any analysis or anything. So, you



know, if all this was to be done because of a complaint that I had, then I should know what the results of my complaint was, and I didn't get any results of any complaint or of any analysis.

5

MR. HUGHES:

Q. In the event all of this was normal, you might not expect to get a report, would you?

10

A. Well, if it was bothering me, it would certainly ease my mind if I found out it was normal because I would expect some sort of response.

15

Q. Well whether you did or didn't get a response, that's not indicated in the notes that you got a response. You don't recall receiving any information as to the results of these tests?

20

THE COMMISSIONER: Well, I think if the -- were you asked to go back and take another test?

THE WITNESS: No.

25

THE COMMISSIONER: Because the report says that the "presence of high concentration of ascorbic acid invalidates the urine dipstick for glucose in blood. The results may be erroneous, " which would suggest a further test. You don't recall going downstairs to the lab when you left Dr. Artinian's office on July 26th --

30

THE WITNESS: No, I don't.



THE COMMISSIONER: -- and giving a sample?

THE WITNESS: No, I don't.

MR. HUGHES:

5 Q. On the special hematology report that we referred to earlier, the second entry is "slight inosinephilion (phon)". Do you know what that is?

A. No, I don't.

10 Q. So you don't know whether that relates to an allergy problem?

A. No, I don't know.

Q. You don't know?

A. No.

THE COMMISSIONER: All right.

15

MR. HUGHES:

Q. So I take it you never had any of these discussions about this possible other medical problem that you may have had?

20

A. No.

Q. When you came --

A. Because he was not my family doctor.

Q. When you came back -- I think you said you came back on January 24, 1986, or thereabouts?

25

A. Thereabouts, yes.







Q. Do you recall Dr. Artinian at that time suggesting that you get allergy testing as a result of the blood work that had been done the previous summer?

A. No, I don't.

5 Q. But you hadn't been to see him since you saw him in July of 1985? You didn't see him again until January 24, '86? That was the next time you saw him?

A. Correct, yeah.

10 Q. And did Dr. Artinian decline to give you an injection of the steroid because of your allergy condition or flu condition that you were complaining about or the notes indicate that you may have been complaining about at that time?

15 A. No, I was never refused.

Q. Well I think you indicated, in fairness to Ms. Chown, that you couldn't recall specifically whether you got a shot on that particular occasion in January 1986. Do you now recall that you did?

20 A. I always recall that I did. I said I know that every time I went I got a shot. That is what I said before.

Q. Right. And do you recall on that specific visit, in January of 1986, getting a shot?

25 THE COMMISSIONER: I think he indicated he



can't remember if it was that day, a visit.

MR. HUGHES:

Q. In the visit in the winter of 1986, do  
5 you specifically remember getting a shot? Can you  
remember it happening?

A. No, I don't specifically remember it  
happening, but I know that every time I did go, I got a  
shot. So I assume that if I went in the winter, that I  
10 did get a shot.

THE COMMISSIONER: When did you stop taking  
steroids?

THE WITNESS: That was the last time that I  
had any dealings with steroids, that winter.

15 MR. HUGHES: Thank you. Those are all my  
questions.

THE COMMISSIONER: Thank you, Mr. Hughes.  
Re-examination, Ms. Chown?

20 MS. CHOWN: No, thank you, Mr.  
Commissioner.

THE COMMISSIONER: All right. Thank you  
very much, Mr. Marshall.

We might as well take our morning break. Do  
you have another witness available?

25 MS. CHOWN: We do have another witness



available if you would like to hear him now or after the break.

THE COMMISSIONER: We'll take the morning break now.

5

--- Short recess.

--- Upon resuming.

THE COMMISSIONER: Ms. Chown?

10

MS. CHOWN: Thank you, Mr. Commissioner.

Our next witness is Mr. Louis Taffo, and he's present and ready to be sworn.

THE COMMISSIONER: Mr. Taffo.

LOUIS TAFFO: Sworn

15

--- EXAMINATION BY MS. CHOWN:

Q. Mr. Taffo, you live at the present time in Richmond Hill, Ontario?

A. Yes, I do.

Q. Your date of birth is 1966?

20

A. Yes.

Q. You were a student at York University starting there in the fall of 1985 and attending there up until the spring of this year, that is, 1989?

A. That's correct.

25

Q. Do you have any plans to return to York



University to complete your studies?

A. Still undecided on that.

Q. What was your area of study at York?

A. Sociology.

5 Q. And prior to attending York University,  
you were a graduate of Weston Collegiate Institute in  
Toronto?

A. That's right.

10 Q. Mr. Taffo, we've asked you to come here  
today to talk particularly about your involvement with  
anabolic steroids as a university football player at York  
University. I understand that you played as a member of  
the York Yeomen for the football seasons that you were at  
York starting the fall of 1985?

15 A. That's correct.

THE COMMISSIONER: How many years, Ms.  
Chown? I don't think I have it. How many years did he  
play; do you know?

THE WITNESS: Four years.

20

MS. CHOWN:

Q. He played up until the 1988 season was  
the last season that you played?

A. That's correct.

25 THE COMMISSIONER: You played four years?





THE WITNESS: That's right.

MS. CHOWN:

Q. And the positions that you played  
5 during that time, Mr. Taffo, were?

A. My first year I played defensive end,  
and my last three years I played nose guard.

Q. Can you tell me when it was that you  
first had any contact with anabolic steroids?

10 A. After my first season of football, we  
were working out, off-season training. And we were just  
talking amongst football players and the name of Dr.  
Astaphan came up, and I made an appointment with him and  
that was about it.

15 Q. Can you tell me what your height and  
weight was at that time following the first football  
season in 1985?

A. I came in at about 5'10", 5'11", 225 my  
first year.

20 Q. And what benefits, if any, were you  
hoping to derive, yourself, from steroids?

A. I just wanted a little bit more  
strength, size, get a little harder. That was about it.

Q. Do you recall when you first saw Dr.  
25 Astaphan after hearing of his name from others in the



weight room?

A. If I remember, it was right after the football season. Could have been November.

Q. That's 1985?

5 A. 1985.

Q. Did you go alone to your first visit?

A. No, I went with a friend of mine, Frank Paradiso.

10 Q. Mr. Paradiso has in fact given evidence before us, and he was a member of the football team?

A. Yes, he was.

Q. Can you tell me, as best as you recall, what took place on the occasion of your first visit to Dr. Astaphan?

15 A. On the first visit, me and Frank went together, and we waited in the waiting room for about a half hour and he called us in. We talked about what we wanted and why we were there. And he gave us a few sheets to fill out about allergies and heart, and he gave us a  
20 little physical, just checked our heart and blood pressure.

Q. Was he aware that the two of you were members of the football team at York University?

25 A. Yes, he was. And before you know, he knew why we were there, and he gave us a shot right there.



After that, he gave us -- he sent us over to a lab just right across from his office and we had a blood test, and that was it for that day.

5 Q. When you say he gave you a shot, do you know what you received?

A. I have no -- I can tell you the substance, what it looked like. It was a milky type of colour, and we never discussed what was in it.

10 Q. Did you understand it to be a form of anabolic steroid?

A. Yes, I did.

Q. Did you pay Dr. Astaphan for that injection?

15 A. I'm not sure. I think it was five to seven. That's either five or seven.

Q. 5 or \$7?

A. Yes.

20 Q. And subsequent to that time, did you continue to go back on any regular basis to Dr. Astaphan's office?

A. Yes, we were going every Friday, myself and Frank.

Q. And over what period of time did you continue to go and see him?

25 A. I was going up until his office closed



down.

Q. And that would be in --

A. The spring of '86, I think it was.

Q. As a result of that period of steroid  
5 use, let me just be clear, you were simply receiving  
injections or were you also receiving tablets?

A. And he also gave us tablets.

Q. What were they?

A. We called them Dianabol. They were  
10 little blue pills that came in packages of 100.

Q. Were you obtaining steroids from any  
other source during this period, that is, November '85 up  
through the spring of 1986?

A. No, I wasn't.

Q. Did you notice any effects as a result  
15 of this program of steroids that you had been on?

A. I started seeing some results in body  
type, growth and muscle mass, strength.

Q. When you say "growth and muscle mass",  
20 did you put on weight?

A. I put on 15 pounds.

Q. And so far as the effect on your  
strength, was that a significant gain or not?

A. Yeah. I would say it was a significant  
25 gain.





Q. Now when Dr. Astaphan's practice closed down in the spring and early summer of 1986, you were then leading up to the football season for 1986. Did you make an effort at that time to obtain steroids from any other source?

A. I just went out to the black market and most of the local gyms that I was training at. It was available there.

Q. And throughout the year, after football season, was it your practice to train in gyms?

A. Yes.

Q. And were you able to obtain steroids in the gyms?

A. Oh, yeah, easily.

Q. What did you obtain?

A. I -- like just talking to the members of the gyms, I started really to like Deca and Anavar.

Q. "Deca" meaning Deca-Durabolin?

A. Yes.

Q. And as far as having Deca-Durabolin injected, was that something you did for yourself or you had others do?

A. Whatever was available. If I could do it myself, I would do it myself, and if somebody was around, I'd call them to do it.



Q. And Anavar. Does Anavar come in tablet form?

A. Tablet, yes.

Q. Did you take that in conjunction with the Deca-Durabolin?

A. Yeah, I took it in conjunction.

Q. Did you ever attend at any other physician's office to obtain steroids?

A. No, I didn't.

Q. Now you told me that you first went to the gyms sometime, then. Would it be the summer of 1986?

A. Yeah, it could have been. I went on a six-week cycle. As soon as Astaphan closed down, I did a six-week cycle in the summer.

Q. And you told us that you continued to play football at York up through and including the 1988 season. Did you continue on a program of steroid cycles up to and through 1988?

A. Yes, I did.

Q. And what was your source during that time period?

A. Again, I just went to what we call the "black market". That's available mostly in all the gyms around.

Q. And what are your current intentions



should you decide to return to York this fall? First of all, do you intend to try out for the football team again?

A. I've been talking to a couple of people, but I'm still undecided. I don't know if I am.

5 Q. All right. Have you thought any more about continuing steroid use?

A. No. This inquiry just about scared the wits out of me, so I don't think so.

Q. And why is that?

10 A. I just -- I don't know. I've matured in age and maybe wisdom a little, and I don't think I need that. When I was young, it was a real big hype, you know. Let's go; let's try it; let's do it. You know, curious. But I've settled down, and it just doesn't interest me any  
15 more.

Q. Were you aware during the time that you were playing football at York University that the CIAU had a policy with respect to steroids?

A. Yes, I did.

20 Q. And you were aware that you were in violation of that policy during the seasons that you played at York?

A. Yes.

25 Q. Is there any formal expression that you had from your coaches about their attitude towards



steroids during your four seasons?

A. All the coaches disagreed with it totally.

Q. And they made their views clear to you?

5 A. Very clear.

MS. CHOWN: Okay, Mr. Commissioner, those are all the questions I have for Mr. Taffo.

THE COMMISSIONER: Any questions, Mr. Steinecke?

10 MR. STEINECKE: Just a couple.

--- EXAMINATION BY MR. STEINECKE:

Q. I represent the College of Physicians and Surgeons, and I just have a couple of questions about your visits to Dr. Astaphan. Did he ever explain the risks and side effects of anabolic steroids to you?

15 A. Yes, he did.

Q. And was this an extended discussion or brief discussion?

20 A. Very brief. He handed out a sheet of paper with a list of allergies: Are you allergic to anything? Heart condition? That's about it.

Q. Did you experience any of these side effects?

A. No, I didn't.

25 Q. Did Dr. Astaphan perform any lab tests





on you during this course?

A. The first day we visited he gave us a blood test and urine.

Q. And did he repeat those later on?

5 A. I don't recall that being done.

Q. On your subsequent visits, did he do additional physical examinations on you?

10 A. Once he got to know us, it was in and out. Go in, get a shot and then out and set up the next appointment.

Q. Did you ever present any medical complaints to Dr. Astaphan?

15 A. Shoulder, because I had a shoulder problem, dislocation, but there was no therapy involved or anything.

Q. Did you present any other complaints to him?

A. That was it.

MR. STEINECKE: Thank you.

20 THE COMMISSIONER: Thank you very much, Mr. Taffo.

MS. CHOWN: Mr. Commissioner, our next witness is Mr. Chris Maksimovich.

25



CHRISTIAN MAKSIMOVICH: Sworn

--- EXAMINATION BY MS. CHOWN:

Q. Mr. Maksimovich, I understand that at the present time you live in Pickering, Ontario?

5 A. That's correct.

Q. And you're employed full time as a salesman for the Yellow Pages?

A. That's correct.

10 Q. You are 26 years old, having been born in 1962?

A. That's correct.

Q. You attended high school in Scarborough, and where did you go?

A. Woburn Collegiate.

15 Q. What year did you get your Grade 13?

A. 1982.

20 Q. Following your graduation from Grade 13, I understand that you enrolled at the University of Toronto in the fall of 1982, and you were at that university up until 1984?

A. That's correct.

Q. During your time at the University of Toronto, you were a member of the University of Toronto Blues football team?

25 A. For my first two years.



Q. So that would be the 1982 football season and the 1983 football season?

A. That's correct.

Q. What positions did you play?

5 A. I was a defensive tackle.

Q. Can you tell me, Mr. Maksimovich, when you first learned about anabolic steroids?

A. I would have first learned about them, I guess, in 1977-78 when I was training in a gym, in Vic Tanny's in Scarborough and also from Muscle & Fitness Magazine, which is something I used to read back then.

10 THE COMMISSIONER: Were you in high school then?

THE WITNESS: Yes, sir.

15 MS. CHOWN:

Q. And in 1977 you would have been 15 years old?

A. Yeah.

20 Q. So you're saying at age 15 you were training regularly in gyms?

A. That's correct.

Q. And you were reading publications or one publication called Muscle & Fitness Magazine?

25 A. That's correct.



Q. And as a result of those sources, you participated in or heard discussions about steroids?

A. Oh, yeah. That's quite common where you would see someone come in to a gym very small who would suddenly get very large in a very short period of time. So then the discussion would come up about their usage of steroids.

Q. When did you first take steroids?

A. I think it was the early part of this decade, somewhere in the early 80s. I'm not exactly sure of the exact dates.

THE COMMISSIONER: Before you were at university?

THE WITNESS: That's correct.

THE COMMISSIONER: You were still in high school?

THE WITNESS: Yes, sir.

MS. CHOWN:

Q. How old do you recall that you were the first time you first took steroids?

A. Probably about 18, 19 years old.

THE COMMISSIONER: Were there other young people your age working out in the gym?

THE WITNESS: Oh, yes. I had some very





close friends who I trained with at the gym regularly.

THE COMMISSIONER: High school students?

THE WITNESS: Yes, sir.

THE COMMISSIONER: And were they using  
5 anabolic steroids too, some of the colleagues there, some  
of your friends?

THE WITNESS: No, sir. My friends mostly  
stayed away from it. My brother was a user at the time,  
though.

10 THE COMMISSIONER: But none of the other  
young athletes in the gym?

THE WITNESS: Not my friends. There were  
other young people doing them, but not myself -- not my --  
I was doing --

15 THE COMMISSIONER: Were the other young  
people working out in the gym high school students who  
were using steroids?

THE WITNESS: Possibly. I know that some  
were, but not necessarily my own friends.

20 THE COMMISSIONER: I understand. I phrased  
the question badly. Not your friends, but other people in  
the gym that you had observed?

THE WITNESS: M'hmm.

25



MS. CHOWN:

Q. At the time that you were 18 or 19 years old, what was it that made you decide to begin taking anabolic steroids?

5 A. Well, I had seen good progress in my own workouts, but I had reached a flat spot, and my brother had been using them and had been seeing Dr. Artinian.

10 THE COMMISSIONER: Is he older or younger than you are?

THE WITNESS: He's a year younger than I am.

15 So I had achieved a flat spot in my bench press, and I personally felt that I wanted to overcome that. So I accompanied him to Dr. Artinian's office on Ossington.

MS. CHOWN:

20 Q. Now we are going to hear your brother, but did you also have discussions with him at that time about steroid use and his own involvement with steroids?

25 A. Yeah, we did; of course we did because he took orals or pills, as well as taking injections. And the kind of injections he was taking and from my discussions with him, I felt that my best selection would



be to take Deca-Durabolin which would afford me greater strength with less bulk.

Q. And you may have said this and I've just lost it, did you make a decision, as a result of discussing with your brother, to go and see Dr. Artinian?

A. Yes. That's why I selected Dr. Artinian because he was -- I figured a doctor would be a safe source.

Q. Now we've certainly heard from other witnesses about the easy availability of steroids in gyms. Did you give any thought at that point to simply going to the gyms and obtaining your steroids there?

A. No.

Q. Do you recall when you first went to see Dr. Artinian?

A. Oh, yeah. It was quite a wait. It was an excruciatingly long wait.

Q. Let me just place this in time, if we could. Do you recall what time this would be? You say that at age 18 or 19, sort of 1980, '81, '82, you were talking about steroids with others in gyms. Do you recall how soon after that you went to see Dr. Artinian?

A. Oh, we've been talking about steroids in gyms since, you know, we started there because they were just around you. We used to refer to the big guys



who were all pumped up with bad skin conditions as --

THE COMMISSIONER: When did you first see  
Dr. Artinian? That's all irrelevant.

THE WITNESS: Around 1981.

5 THE COMMISSIONER: Before your first  
football season. You started playing in 1982?

THE WITNESS: Yeah, before the Varsity  
Blues was the first time I saw Dr. Artinian. I had --

10 THE COMMISSIONER: It was sometime in 1982,  
then, was it?

THE WITNESS: Yeah.

MS. CHOWN: Mr. Commissioner, we have been  
provided with a copy --

15 THE COMMISSIONER: You might ask him first  
about his recollection.

MS. CHOWN:

20 Q. Your recollection is before the 1982  
season, do you recall what time of year you went to see  
the doctor?

25 A. It was -- I'm not exactly sure of the  
time of year, like from my recollection, because all I  
know is that it would get dark quickly and there was still  
snow around. I remember I didn't have my driver's license  
at that time. I used to have to hike out all the way from







Scarborough by the subway and then it was still fairly cold.

Q. So you had a long trip to make to Dr. Artinian's office.

5 A. It was quite a long trip.

Q. So sometime early in 1982 is the first time that you recall seeing Dr. Artinian?

A. It would be approximately around that time.

10 Q. Now moving to that first visit, can you tell me what you recall happening?

A. Oh, yeah. You go into a waiting room full of big guys and I guess the locals, like with children and older people, a very crowded waiting room.

15 Q. Did you go with your brother the first time?

A. Yes, I did.

Q. All right.

20 A. And it was quite a long wait, and the doctor would come out, and he would point at certain people, sometimes the body builders, sometimes like the actual patients, and he would point to them and point to the rooms.

25 Q. How did you know who was a body builder?



A. It was easy to see. They were huge. They were very, very large people. Some of them weren't, but you could see that they were on their way, or you would recognize them from the gym and say hi to them.

5                   Myself, what he did was he pointed to me and selected a room. He came in. He asked what I wanted, and I said I wanted Deca-Durabolin. There was an exchange of money. He gave me a vial, without a package, with the cap on for me to examine, and he left the room. So I took the  
10 top off and examined the rubber seal to see if it had been violated, and then he returned with a syringe.

Q. I take it this vial was labeled as being Deca-Durabolin?

A. Yes, it had the Deca-Durabolin -- I  
15 can't recall exactly if there was a label right on it or it was painted on the bottle, but I do remember reading the Deca-Durabolin. The injection size I think was 2 milliliters or 100 grams or something to that effect. Then I would, you know -- the first time I went, I bent  
20 over when he injected me, which made it very painful, and so that when I returned to see him the next time --

THE COMMISSIONER: Well let's finish the first visit first.

THE WITNESS: Okay. Well anyways, I did  
25 that, and he gave me a wipe and a bandage, and I was out



of there.

MS. CHOWN:

Q. I don't recall whether you've said  
5 this. Did you make any payment for the shot?

A. Oh, yes. I paid cash.

Q. During -- is that basically what you  
recall taking place?

A. Yeah.

10 Q. During that visit, did Dr. Artinian ask  
you any questions about your prior health history?

A. No.

Q. Did he carry out any physical  
examination of you?

15 A. No.

Q. Did he take your blood pressure?

A. No.

Q. Did he weigh you?

A. No.

20 Q. Do you recall at this point, Mr.  
Maksimovich, what you would have weighed in 1982?

A. In 1982 I probably would have weighed  
about 235 pounds. That's approximately 105 to 110  
kilograms, in that area. Possibly more, more than likely,  
25 because I entered university at about 260.



Q. Did he take any blood or urine from you  
for laboratory analysis?

A. No.

Q. Did you have any discussion with him  
5 during this first visit about steroids in general and in  
particular the risks or side effects?

A. No, but I did have an understanding of  
my own, which is why I never took orals or pills.

Q. Now following -- well, I guess just  
10 referring then to your records which have been --

THE COMMISSIONER: Are you going to refer  
to the records now? You are referring to the records now?

MS. CHOWN: Yes, I am.

THE COMMISSIONER: Perhaps we could have  
15 the file now.

MS. CHOWN: These are Mr. Chris  
Maksimovich's records that Mr. Hughes has made available  
to us.

THE COMMISSIONER: That will be 237.

20 REGISTRAR: 237, Mr. Commissioner.

--- EXHIBIT 237: CHRISTIAN MAKSIMOVICH'S MEDICAL  
RECORDS.





MS. CHOWN:

Q. Mr. Maksimovich, these records which we have received from Dr. Artinian's office indicate a first visit at March 18th, 1982. Does that more or less accord with your recollection?

A. That would be approximately at that time.

Q. And the records indicate on the first visit that you did receive an injection of Deca-Durabolin?

THE COMMISSIONER: May I ask you this, please. "Physique problem. Wants to better his body. Thinks he's not muscular enough..." Is that for a male? Is that what it says?

MR. HUGHES: Yes, Mr. Commissioner.

THE COMMISSIONER: How much did you weigh in March '82?

THE WITNESS: About 235. I think that would have been -- that's a very conservative figure.

THE COMMISSIONER: What you are telling me, you thought you weren't muscular enough for a male?

THE WITNESS: Oh, yeah. My problem wasn't the fact that I wasn't muscular; it's that I had reached a flat point in a certain area of my training.

THE COMMISSIONER: It says here you said were not muscular enough for a male.



THE WITNESS: No. I never suffered from that problem. My friends can all attest to that.

THE COMMISSIONER: I wasn't asking anything about that.

5 THE WITNESS: I'm sorry.

THE COMMISSIONER: I mean you look like a pretty rugged fellow, if I may say so.

THE WITNESS: Thank you, sir.

10 THE COMMISSIONER: Have you always had that appearance?

THE WITNESS: Pardon me?

THE COMMISSIONER: Have you always had that sort of rugged appearance?

THE WITNESS: Yes, thank you.

15 THE COMMISSIONER: Right. But it says here you thought you weren't muscular enough for a male.

THE WITNESS: No, I never had that problem.

THE COMMISSIONER: "This is making him self-conscious and totally withdrawn."

20 MR. HUGHES: Socially.

MS. CHOWN: I think that's "...socially withdrawn".

25 THE COMMISSIONER: "This is making him self-conscious and socially withdrawn. No history of hepatitis." That's got the same thing. Well, were you



self-conscious because you weren't masculine enough for a male body?

THE WITNESS: No, sir.

THE COMMISSIONER: Pardon?

5 THE WITNESS: No, sir.

THE COMMISSIONER: Go ahead, Ms. Chown.

MS. CHOWN:

10 Q. I note here, Mr. Maksimovich, that your weight is listed. If I'm reading it correctly, is that 79?

MR. HUGHES: I think so.

MS. CHOWN:

15 Q. 79 kilograms, and if I've done my mathematics correctly, that would translate to 173.8 pounds, and that is not what recall your weight being at that time period?

20 A. No. I think before I got into Grade 9, I was over 180 pounds, which would have been six years previous to that.

Q. There is also a notation of "no alcohol". Did you receive any advice from Dr. Artinian about not drinking while you were on Deca-Durabolin?

25 A. No.



Q. Following that first visit to Dr. Artinian, did you subsequently return to see him?

A. Yes, I did return to see him. It would have been very briefly after that. I wasn't a regular user, but I did use it in periods, and so I did go back probably the next week or the week after and probably still smarting from where I had gotten the first injection because I remember specifically --

THE COMMISSIONER: Why did you go back?

THE WITNESS: To get another injection of steroids.

THE COMMISSIONER: Was there any other reason for going?

THE WITNESS: No. I had my own family doctor.

THE COMMISSIONER: All right. Go ahead, Ms. Chown.

MS. CHOWN:

Q. You're saying on the second visit, were you still experiencing some tenderness from the injection that you had received on the first visit?

A. Yeah, I did, because he had told me this time -- because the first time I had bent over, which tightens up the buttocks. He told me to stand up and





relax, and that made the injection a lot more pleasant.

Q. Would you have mentioned to him specifically that you were suffering some problems as a result of the first injection?

5 A. Yeah, because I think he told me to relax the first time, and then I said -- after he injected I might have mentioned -- I know that we discussed it. I'm not exactly sure if it was before or after, but it did come out. He said that when you bend over, it tightens up  
10 and it makes it more painful, and I said that explains it because the second injection was no where near as painful.

15

20

25



Q. Do you have a specific recollection of receiving an injection from Dr. Artinian on your second visit to him?

5 A. Oh, yes. The only reason-- the only reason again that I went to see the doctor, because it was such a long and hard -- well, not hard but like a long trip and then a long wait was to get a steroid shot. There was no other reason for me to go there.

10 Q. Because in fairness I should indicate to you that there is no record of a steroid injection being given to you on the occasion of your second visit. There are some notes that relate to tenderness at the injection site, which may refer to your problems from your first injection?

15 A. The only reason I would travel across the city is -- was to get the steroid.

THE COMMISSIONER: This is one week later, though, you are going to take another injection one week after the first?

20 THE WITNESS: Yes. At that time I knew people who were taking steroids like twice a week. So, they would go let's say on a Saturday or Friday and go again on the Wednesday or Thursday next.

THE COMMISSIONER: I see.

25



MS. CHOWN:

Q. And following the second visit, did you subsequently return to see him again?

5 A. I did go see him again, but I am not exactly sure of the timeframe because I would -- I never -- I never used -- I used the steroids to supplement flat parts in my actual workout programs, not as a basic or foundation of my actual training.

10 So, I did -- I did go see him again. And there was an occasion when he sold a vial to my brother, which my brother then returned and administered to me. But I didn't see him very regularly because it was a lot of trouble.

15 Q. Just so we are clear there, do you recall seeing him more than the two times you have just described?

A. Yes.

Q. Can you assist us at all as to how many more times you recall seeing him?

20 A. Once or twice more maybe and then plus -- plus the one time where he sold the vial to my brother for myself.

Q. His records indicate a last visit from you on July 28, 1982?

25 A. That's -- that could be possible.



About that date I am not exactly sure, but I do know --

THE COMMISSIONER: What does this say, Mr. Hughes, "physique", always got physique problem here.

5 MR. HUGHES: "Not sure whether has been any change with his body, no complaints apart his physique. No icterus; no edema; S-1, S-2 normal; chest normal; abdomen normal; testicles normal; blood pressure reading; and weight.

THE COMMISSIONER: Seventy-nine kilograms.

10 MR. HUGHES: Yes. And "Deca-Durabolin".

THE COMMISSIONER: It would be the same weight. Did you pick up weight from March '82 to July.

15 THE WITNESS: I could probably do that on a weekend. I was gaining weight. My weight fluctuates a lot, but mostly on a steady upward trend. So, I probably put on weight in that period of time, but I couldn't tell how much.

20 THE COMMISSIONER: The weight he has recorded is the same 79; how much is 79 kilograms, 175 pounds?

MS. CHOWN: 173.8 pounds.

THE COMMISSIONER: You told us your weight again in the summer of '82 was approximately what?

THE WITNESS: 235, possibly more than.

25 THE COMMISSIONER: Did you get another





injection? It is recorded you didn't get an injection the third time you were there?

THE WITNESS: Yes, the only reason I would go is to get an injection.

5

MS. CHOWN:

10

Q. Do you recall having any discussion with Dr. Artinian on the occasion of your last visit to him about perhaps dissatisfaction that there hadn't been changes in your physique?

15

A. No. I had no problems with my physique. The Deca-Durabolin did exactly what I was looking for. It provided me a boost in my strength to help me over whatever flat spot I was on. Then I would just be able to carry on training again.

20

Q. Why did you stop seeing Dr. Artinian following July of 1982?

A. Well, I was making good progress in my own weightlifting. It was certainly a problem for me to go out all the way to Ossington by subway, et cetera. And I did see another doctor for a steroid injection, but I was never, as I said, I was never really a regular user.

25

Q. Okay. And over what period of time did you continue to use steroids following the summer of 1982?

A. I think I used it -- I don't know if it



was as late as 1985. I know for sure I stopped when I started dating my wife because I had no more time to exercise. And if I wasn't going to be able to work out, there was no point in me taking steroids.

5                   And as far as my training, I had seen actual very substantial increases without steroids. So, I may have taken an injection or two subsequent to the, you know 1984, perhaps, but during -- during the year, like the summer of '83, I was in New Jersey and I would have had no  
10                   access because I was out in a farm. And it was I guess maybe in '84 or '85.

                  THE COMMISSIONER:   That you what? I am sorry I lost you.

                  THE WITNESS:   That I would have taken  
15                   steroids.

                  MS. CHOWN:

                  Q.   The question was when did he last take steroids and he believes it to be in '84 or '85?

20                   A.   For an injection or two.

                  Q.   During the seasons that you played at the University of Toronto Blues, did your coaches make clear to the team what their attitudes on steroids were?

                  A.   No, I don't think that they did. I  
25                   know that for the most part they didn't advocate it and



they also didn't discourage it. So, I think basically they kept their mouths shut about it.

I do know of one coach who had regaled us with his exploits as a Varsity Blue player and an  
5 ex-steroid user, but he at no time used that, he never said "you guys should do it for the same reason."

Q. Were you aware during the time that you were playing at the University of Toronto that the CIAU had a policy with respect to steroid use by college  
10 football players?

A. No. I was actually quite surprised to find that out.

MS. CHOWN: Thank you, Mr. Maksimovich, those are my questions.

15 THE COMMISSIONER: Mr. Steinecke.

--- EXAMINATION BY MR. STEINECKE.

Q. After your first visit to Dr. Artinian, on your subsequent visits, did you ever discuss on those  
20 occasions the risks and side effects of anabolic steroids with him?

A. No. We never discussed anything other than the purchase price and the actual injection of what I wanted.

25 Q. Did he on those visits take a history



or physical examination or take samples of blood or urine?

A. No, sir.

THE COMMISSIONER: Thank you. Mr. Hughes.

MR. HUGHES: Thank you, Mr. Commissioner.

5

--- EXAMINATION BY MR. HUGHES:

Q. I have just a few questions for you. I act for Dr. Artinian. Can I just get your date of birth, Mr. Maksimovich?

10

A. December 14, 1962.

THE COMMISSIONER: What was the date?

December 14?

MR. HUGHES: December 14, 1962.

THE COMMISSIONER: Thank you.

15

MR. HUGHES:

Q. And Mr. Maksimovich, when you went to see Dr. Artinian some seven or more years ago, did you take any notes or did you keep any of the bottles or other documents that you may have got at the time of the visits?

20

A. No, sir, I did not. I don't believe I was requested to either.

Q. No. I merely asked whether you had any?

25

A. Sorry.





Q. Sorry. And your answer was no, right?

A. Right.

Q. Thank you. And Mr. Maksimovich, in preparation for your giving evidence today, have you  
5 listened to the evidence of the other witnesses who were patients of Dr. Artinian?

A. Yes. While I was in the waiting room I did see some of their testimony.

Q. Thank you. When you first went to see  
10 Dr. Artinian, did you tell him that you were a football player?

A. No, sir.

Q. And I take it, because you haven't mentioned it, that you didn't tell Dr. Artinian about your  
15 prior steroid use, is that right?

A. I had no prior steroid use.

Q. Well, I --

THE COMMISSIONER: I think he said he knew about it, his brother was on it, but he hadn't. I don't  
20 think he said --

MR. HUGHES: I am a bit unclear about that. Thank you, Mr. Commissioner. Maybe I can just clear that up.



MR. HUGHES:

Q. My note says that you first took  
steroids in the early 1980's before you went to the  
University of Toronto. And I have that while you were in  
high school?

A. I --

Q. Is that --

THE COMMISSIONER: I think he was asked  
when he first heard about it, learned about it.

MR. HUGHES: No, I have that note and  
that's in 1970 --

THE COMMISSIONER: Did you take steroids  
before you went to Dr. Artinian?

THE WITNESS: Dr. Artinian was the first  
source of steroids I have ever had.

THE COMMISSIONER: I see, all right.

MR. HUGHES:

Q. So, you didn't take -- at what time was  
that? That was in March of 1982?

A. That's correct, I guess according to  
the records. I was just -- you are asking me to speculate  
on times past, and I couldn't exactly put a date to my  
usage. But I do know that Dr. Artinian was the very first  
source of steroids I have.



THE COMMISSIONER: You didn't get any from your brother who was already using drugs?

THE WITNESS: No, sir. I went to the doctor first and then he later discovered that Dr. Artinian did sell him to bring home vials.

THE COMMISSIONER: I see. All right.

MR. HUGHES:

Q. And when you saw Dr. Artinian, where were you going to school?

A. I guess it was U. of T. Scarborough College. If it was '82, then I was at Scarborough College of U. of T.

Q. I thought you said you went to U. of T. in the fall of '82?

A. That's correct, my mistake, I have got my dates -- I merely -- because of the question, I have just got my questions wrong. I guess it was my last grade 14 at Woburn Collegiate I was there. I guess it was March.

Q. So, now you specifically recall that?

A. Well, if it was -- I have just got the schools in the wrong position. If I was it was March --

THE COMMISSIONER: Where were you in March of '82.



THE WITNESS: In March of '82 I was in Woburn Collegiate.

MS. CHOWN: I think the witness, to give him assistance, gave evidence he got his Grade 13, or  
5 Grade 14 as he humourously referred to it, in the spring of '82 and attended the University of Toronto in the fall of '82.

THE WITNESS: Thank you.

10 MR. HUGHES:

Q. Mr. Maksimovich, have you had any history of hepatitis?

A. No, sir.

Q. Rheumatic heart disease?

15 A. No, sir.

Q. Hypertension?

A. No, sir.

Q. Aggressive behaviour, apart from what is required when you play football?

20 A. No, sir.

THE COMMISSIONER: Did Dr. Artinian ask you those questions before you got your injection?

THE WITNESS: No, he did not.

25





MR. HUGHES:

Q. But to the extent that his notes say no history of hepatitis, RHD, or rheumatic heart disease, hypertension, or aggressive behavior, that's right, isn't it?

A. Yes, sir.

THE COMMISSIONER: Well, that may be right, but it is not necessarily whether he was -- whether the witness was asked those questions or not.

MR. HUGHES: No, I appreciate that. He says that he didn't. My point, Mr. Commissioner, is that the notes say he didn't have any of those conditions and he said he didn't.

THE COMMISSIONER: I understand.

MR. HUGHES:

Q. When you returned to see Dr. Artinian in March, later in March of 1982, and I think you said that you may have gone back a week later, you did have a complaint about the injection site being tender; is that right?

A. That's correct.

Q. And you said also that you had a family doctor that you would bring general health problems to the attention of; is that right?



A. That's correct.

Q. Did your family doctor know you were taking steroids?

A. No.

5 Q. So that he would have been surprised to learn that you had a tender injection site, wouldn't he?

A. That's correct.

Q. Did you have any complaints, health complaints, that you raised with Dr. Artinian on the occasions on which you saw him?

A. Other than the tender buttocks, no.

10 Q. No. Now, I think you said you saw another doctor for a steroid injection?

A. That's correct.

15 Q. When was that?

A. I am not exactly sure. It would have been after I saw Dr. Artinian, though. He was a lot closer to my place of residence at that time.

20 Q. How soon after in your recollection you saw Dr. Artinian, a year, six months, a month, a week?

A. It would have been a year, 18 months.

Q. And how long did you see that doctor for steroid injections?

A. Twice, maybe once, twice.

25 Q. And apart from those two occasions and



the occasions on which you received Deca-Durabolin from Dr. Artinian, did you receive steroids from any other sources?

5 A. Other than the indirectly through my brother and Dr. Artinian, no.

Q. Well, was there anything on the bottle that you got from your brother to indicate to you that they came from Dr. Artinian's office?

A. No, but I think I can trust my brother.

10 Q. Well, that's not the question I asked you.

A. All right, then, no.

Q. I don't know your brother. Is there anything on any of the material you got--

15 THE COMMISSIONER: You are going to meet him soon. He is sitting right here.

MR. HUGHES: No, I will be asking him that, Mr. Commissioner.

20 THE COMMISSIONER: Well, all you can say is that your brother told you what he was giving you had been obtained from Dr. Artinian?

THE WITNESS: That's correct.

MR. HUGHES: Thank you.

25



MR. HUGHES:

Q. Mr. Maksimovich, the chart that or the record that Dr. Artinian has produced indicates that you resided at 24 Midpines Road in Scarborough; is that correct?

A. That's correct.

Q. And your telephone number was 439-8268; is that correct?

A. That's correct.

Q. Do you know how much of the vial of Deca-Durabolin you were injected with?

A. The entire vial, because he would -- I would actually watch him. Like after he would come back with the syringe, I would hand him the vial, he would then pump the necessary amount of the air into it and then I would watch him draw the entire vial out. Then I would turn around, I would lower my pants as was necessary, he would give my right cheek or my left cheek because, it depends on the one visit then the next one he switched, but he wiped it with the alcohol, gave me an injection, wiped it again, and gave me a bandage.

Q. You don't know, I think I recall from your evidence, how much was in a vial?

A. It was -- it was like a two millilitre, I believe. I would recognize the vial.





Q. Two millilitre?

A. I believe so, two cc or 100 grams or  
whatever.

Q. Well, you don't recall?

A. Exactly, true.

MR. HUGHES: Thank you, those are all my  
questions.

THE COMMISSIONER: Thank you.

Re-examination?

MS. CHOWN: No, thank you, Mr.  
Commissioner.

THE COMMISSIONER: You are a salesman now,  
are you, Mr. Maksimovich?

THE WITNESS: Yes, sir.

THE COMMISSIONER: Are you still interested  
in athletics? Do you coach or do you train or work out?

THE WITNESS: I have started to train  
again.

THE COMMISSIONER: What, weightlifting or?

THE WITNESS: Weightlifting and aerobics.

THE COMMISSIONER: What, aerobics?

THE WITNESS: Yes.

THE COMMISSIONER: You are not engaged in  
organized sports apart from that?

THE WITNESS: Oh, goodness, against



organized sports?

THE COMMISSIONER: You are not engaged in organized sports?

THE WITNESS: No, not right now.

5 THE COMMISSIONER: Okay. I knew that you wouldn't be against organized sport. Right. Thank you very much.

MS. CHOWN: Mr. Commissioner, our next witness is Mr. Ivan Maksimovich.

10 THE COMMISSIONER: What is the first name, please?

MS. CHOWN: Ivan.

THE COMMISSIONER: Ivan.

15 IVAN MAKSIMOVICH: Sworn

--- EXAMINATION BY MS. CHOWN:

THE COMMISSIONER: Ms. Chown.

MS. CHOWN:

20 Q. Mr. Maksimovich, what is your date of birth?

A. November 11, 1963.

Q. You were born in Toronto?

A. Yes.

25 Q. You attended high school in Scarborough



at Woburn Collegiate?

A. Right.

Q. What years were you at Woburn?

A. Boy, I guess I finished in the early  
5 eighties.

Q. Following your graduation from Woburn,  
did you complete Grade 12 there or Grade 13?

A. I left near the end of Grade 12 and  
went into my father's trade of steam fitting.

10 Q. I understand in fact you attended a  
course at George Brown College on steam fitting?

A. Yes, that's related to the steam  
fitting, yes.

15 Q. Are you employed full time now as a  
steam fitter?

A. No.

Q. What is it that you are doing now?

A. Well, I am kind of in between jobs  
right now.

20 Q. I understand that when you were a high  
school student you were involved in football, rugby, and  
wrestling?

A. Yes.

25 Q. And did you, while you were a high  
school student, train in gyms?



A. Yes, I did.

Q. In the Scarborough and Toronto area?

A. Yes. I trained in the school gym, I  
trained at Universe Health Club, and Vic Tanny's. It used  
5 to be before Superfitness it was Vic Tanny's.

Q. When was your first contact with  
anabolic steroids, Mr. Maksimovich?

A. The first time I got introduced to  
steroids? Well, I heard a lot about it. Someone at Vic  
10 Tanny's had sold me 100 Dianabol. That was the very first  
time I had any experience with --

THE COMMISSIONER: How old were you then, do  
you recall?

THE WITNESS: Seventeen.

15 THE COMMISSIONER: Seventeen. You were  
still in high school then?

THE WITNESS: Yes, still in high school,  
Grade 11 it would have been.

20 MS. CHOWN:

Q. Did you take the Dianabol tablets you  
were given?

A. Yes.

Q. Had you done any reading yourself about  
25 steroids or obtained any information about them before





taking them?

A. Yes. I had read Muscle and Fitness Magazine, they have various articles by doctors and spoken to other people that had used them and they told me what it was like. So, I decided to --

THE COMMISSIONER: You got this in the gym from a friend of yours?

THE WITNESS: A guy, it wasn't really friend, but somebody in the gym who I knew

THE COMMISSIONER: Somebody at the gym?

THE WITNESS: Yes.

MS. CHOWN:

Q. Did that person as well give you advice on how many tablets you should take a day and over what period?

A. Yes. What they advised, I took about half of what they --

THE COMMISSIONER: What drug was this, do you recall?

THE WITNESS: Dianabol or Dianobol however it is said.

Yes, they were five milligram tablets and this person was taking I think it was eight a day, but I only took about four a day until the thing was finished.



And I got some noticeable results, but it wasn't anything spectacular.

MS. CHOWN:

5 Q. Through the reading and conversations you had had with others at that time, did you have any concerns about side effects or risks of taking steroids?

A. I was aware of them, but I wasn't really concerned about them because I wasn't planning on  
10 using it really heavily. So, I figured, you know, if I just did it with some common sense, it wouldn't be any problem.

Q. By common sense you thought taking four Dianabol a day would not lead you into any problems?

15 A. No.

THE COMMISSIONER: Who told you that?

THE WITNESS: Well, it was just my own reasoning. You see, these people were using much more --

20 THE COMMISSIONER: Over what period of time would you take them? Four a day for how long?

THE WITNESS: Twenty-five days. I used them straight until the bottle was gone.

THE COMMISSIONER: I see.

25 THE WITNESS: And then that was it until I had seen the doctor.



MS. CHOWN:

Q. You said that you noticed some effects  
as a result of taking the 100 Dianabol tablets?

A. Uh-huh.

Q. What particularly did you notice?

A. Oh, strength and some size.

THE COMMISSIONER: I think we have heard that  
from all the witnesses, Ms. Chown.

MS. CHOWN:

Q. Following that first experience with  
the tablets, you mentioned that your next source of  
steroids was a physician?

A. Yes, Dr. Artinian.

Q. All right. And why was it that you  
made a decision to go and seek steroids from a physician  
and particularly from Dr. Artinian?

A. Well, I trusted seeing a doctor more  
than just someone on the street. You never knew what you  
were going to get.

THE COMMISSIONER: I am sorry you never  
what you were going to get?

THE WITNESS: I am sorry, you never knew  
what you actually were going to get. And his name was  
pretty common in the gym, Vic Tanny's. And no one



actually said, well, why don't you go see him. I looked up his number in the phone book and called and made an appointment.

THE COMMISSIONER: I understand.

MS. CHOWN:

Q. Do you recall at this time, Mr. Maksimovich, when it would have been, what year it would have been that you first saw Dr. Artinian?

A. Well, it would have been while I was still in high school. One of the ways I can really remember that is I remember I was doing it in high school, but, for instance, in the yearbook, one of the artists, we trained in a little club, he was an artist, he drew a picture of all the guys in the little club that we had that used to train and he drew me with a picture of a syringe like this. And it was called the NOP-NOG Club. And because they knew I was involved with steroids. And so I know -- I know it was during high school I was taking injectables.

Q. Can you be any more precise in that as to what year it would have been?

A. I would say it was maybe late Grade 11. I know I was taking them in Grade 12. I was seeing a doctor, yes.





Q. Dr. Artinian's records indicate a first visit in --

THE COMMISSIONER: I am sorry, do you have records you are going to produce?

5 MS. CHOWN: I am sorry, we do have Mr. Ivan Maksimovich's records.

THE COMMISSIONER: We have Dr. Artinian's records.

MR. HUGHES: Yes.

10 MS. CHOWN: Records from Dr. Artinian, that's correct.

THE REGISTRAR: 238, Mr. Commissioner.

THE COMMISSIONER: 238. Thank you.

15 --- EXHIBIT NO. 238: Notes from Dr. Artinian  
re Ivan Maksimovich

MS. CHOWN:

20 Q. Those records, Mr. Maksimovich, indicate a first visit in October of 1983. Would that accord with your recollection?

A. Not really. I don't know how accurate that is because I was taking injectables during high school. And I believe if I count back since when I left  
25 the high school it was before '83 when I would have first



seen him.

Q. But in any event I take it you have no other --

A. Yes, I can't --

5 Q. -- records or information that would assist us --

A. No.

Q. -- as to pinpointing the date of your --

10 A. No, that's why I mentioned that yearbook, you know, when the guy drew the picture of me.

THE COMMISSIONER: What was the year of that yearbook?

15 THE WITNESS: It would have been -- okay, let me see.

THE COMMISSIONER: Just take your time. You were born when?

MS. CHOWN: Born in 1963.

20 THE WITNESS: I would have been about 18. So, it could have been '81, '82. It could have been maybe the yearbook of '81.

THE COMMISSIONER: You would be 18 then.

THE WITNESS: Or '82, it could have been.

THE COMMISSIONER: '81 or '82.

25 THE WITNESS: Yes.



THE COMMISSIONER: When did you leave high school?

THE WITNESS: I guess it would have been '81 or '82. I never really looked back to check out, you  
5 know, look back in my yearbooks or records and anything.

THE COMMISSIONER: Yes, Ms. Chown.

MS. CHOWN:

Q. Can you tell me of what you recall of  
10 your first visit to Dr. Artinian?

A. Well, it was kind of scary when I first went there. There was a lot of people, it was very crowded. It took about two hours, two and a half hours to actually see the doctor, that was the normal waiting  
15 period. And went in a room, he did -- he listened to my heart with a stethoscope and he poked me in the, you know, stomach area. I guess he was checking my organs or whatever.

And we spoke a little. He asked me a few  
20 questions, if I had been in the hospital or sick or anything wrong with me. Asked me various questions, went on for a couple minutes, nothing that detailed, but he asked me a couple of questions and asked me what I wanted.

And I, you know, I said I wanted some  
25 Deca-Durabolin. I think I asked him exactly what he had



first. I knew you could get Deca-Durabolin from him from what I heard, but there was Deca-Durabolin, something called Depo, and Delatestrol. And I can't remember which one of those I received the first time. It could have  
5 been any one of them.

Q. All right.

THE COMMISSIONER: You think this was  
sometime in '82.

THE WITNESS: Yes, it could have been.

10 THE COMMISSIONER: Not October?

THE WITNESS: Well, like I say I know I was doing them in Grade 12. I don't remember when in Grade 12 I started using the injectables.

15 THE COMMISSIONER: We don't know yet when you were in Grade 12. What year was it?

THE WITNESS: Yes. Well, okay, I was born in '63, I would have been about 18 or 19. So, that works out to about '82 or '81.

THE COMMISSIONER: '81 or '82.

20 THE WITNESS: I would have been in Grade 12.

THE COMMISSIONER: Go ahead, Miss Chown.

MS. CHOWN:

25 Q. On that occasion you indicated to us that you received an injection?





A. Yes.

Q. Do you recall what it was?

A. It was probably Deca-Durabolin because  
that's what I was more familiar with from people talking  
about.

THE COMMISSIONER: Were you a bouncer?

THE WITNESS: Yes, at one time I worked in  
a club part time as a doorman.

THE COMMISSIONER: Did you see that the --  
go ahead, I am sorry.

MS. CHOWN:

Q. Do you recall what your weight would  
have been around the time you first went to see Dr.  
Artinian?

A. I would have been about 200 pounds  
around that time, somewhere around that time, 200. It  
could have been 210.

Q. Did Dr. Artinian weigh you when you  
visited him?

A. I don't recall, no.

Q. Did you have any discussion with Dr.  
Artinian in which you indicated to him that you weren't  
satisfied with your body shape or with the results that  
you had hoped to achieve with your body when you first



went?

A. I may have told him what I was after, but I was not dissatisfied. I was one of the strongest men in the school.

5 THE COMMISSIONER: I am sorry, what is the first note here, Mr. Hughes, "physique problem, not satisfied with results".

MR. HUGHES: Yes.

THE COMMISSIONER: What's that?

10 MR. HUGHES: Wants "less fat in his body".

THE COMMISSIONER: Well, that would indicate that would be prior, there should have been a prior visit then.

15 MR. HUGHES: That was my conclusion when I read it as well, but that's what the records indicate.

THE COMMISSIONER: Go ahead.

MS. CHOWN:

20 Q. I think you were saying at that point --

A. I was -- I was in a lot better shape than most people, but I wanted to be in larger and better shape. I was already one of the strongest and best shape people in the whole school. So, it wasn't like a problem or anything.

25



I had been training since I had been 15 years old before that with weights regularly. So, I was in pretty good shape.

Q. Did you pay Dr. Artinian for the injection you received?

A. Yes. It was always a cash payment for what I received.

Q. Following that first visit, whenever it was, did you subsequently return to see Dr. Artinian on a regular basis?

A. Yes, I usually had cycles. I would cycle maybe six weeks to 12 weeks, any time in there. And I would see him maybe once a week, whatever, whatever it worked out, whatever I felt I needed.

And I would receive either the Deca -- I would usually like to start out on the Delatestrol, but you seemed to get more water retention with it. So, I would do that for the first few weeks, then switch over to the Deca-Durabolin.

Sometimes I would stack. I would do a Deca and Dela at one time. A shot of Deca-Durabolin and a shot of Delatestrol at one shot. You could do that.

And I believe that Deca, when I first started seeing him, like the prices had gone up over the time I had seen him. The Deca was around 15 or 17 and



eventually went up to around 20. And the Delatestrol was eight, nine, then it went to 10 or 12. Like it all gradually went up throughout the time I saw him.

5

10

15

20

25





MS. CHOWN:

Q. Was the routine on these subsequent visits similar to the routine you've described on your first visit?

5 A. Yes. Normally what I would like to do if I could, you see, he would start taking appointments from 12 and he would come in around 2 o'clock, so I would phone in and get the first appointment. I'd come and show my face in the office, and the secretary would write me  
10 down, and I'd leave and come back at 2 o'clock and he'd walk in and I'd be the first one. That's basically what I would do. But if you didn't do that and he had to make up for all those people in between, there was long waits. I've waited three hours at times.

15 Q. Now these --

THE COMMISSIONER: I'm sorry. I gather you don't take an appointment out. It's just sort of a clinic? You just walk in and give your name?

20 THE WITNESS: I usually called in. I don't think I ever just walked in. I always phoned.

THE COMMISSIONER: But did you have an appointment, though, to see him at a certain time?

25 THE WITNESS: But they don't just go by your appointment. You have to come in. Once they see, they write you down and then --



THE COMMISSIONER: That you are there.

THE WITNESS: -- they'll see you, yeah.

THE COMMISSIONER: So first come, first  
serve, as it were?

5 THE WITNESS: That's it, yeah.

MS. CHOWN:

Q. Do you recall seeking the assistance of  
Dr. Artinian for other medical -- not other medical  
10 problems -- for medical problems apart from just seeking  
steroids from him?

A. Well, there was the one time --  
occasionally I used to get throat infections. It would be  
scratchy and sore, and I believe one time just for  
15 convenience sake when I was down there I did get him to  
give me some penicillin-type stuff to clear up my throat,  
but that would have been the only time because I had a  
family doctor I saw regularly.

Q. And you saw your family doctor for  
20 these other kinds of problems?

A. Yeah, because he was much closer.

Q. Did you ever seek advice or treatment  
from Dr. Artinian for problems with acne?

A. No, I never had an acne problem.

25 Q. Did he ever give you a prescription for



tetracycline as a treatment for acne?

A. No, I never had an acne problem.

Q. I should in fairness indicate to you that his office records say that on November 18th, 1983, you attended at his office with that problem and there was a prescription of tetracycline.

THE COMMISSIONER: What does that say, "acne"?

MS. CHOWN: "Acne vulgaris, pustular lesions, tetracycline 250 milligrams, TID three weeks," and then I'm advised that the word underneath that is Desquam, D-E-S-Q-U-A-M, times 10, which is an over-the-counter acne medication.

THE COMMISSIONER: Is the first one a prescription? Oh, tetracycline is a prescription?

MS. CHOWN: I'm sorry. I described that incorrectly. It's not times 10. 'X' 10 being part of the of the name of the medication.

THE WITNESS: I don't recall ever -- like my bother can testify I never had an acne problem. I was not a pimply kid. You know, I might get one the odd time, but I was never broken out.

THE COMMISSIONER: Were you given a prescription for tetracycline?

THE WITNESS: I don't really recall. I





don't think so. If I was to say, I would say no because I don't remember ever having a problem with acne.

THE COMMISSIONER: No. That would be a prescription that you would take to a drugstore to get it.  
5 Did you do that; do you recall? Tetracycline?

THE WITNESS: The only prescription I remember filling from him other than for orals at one point was something for my throat, and I went downstairs to get it. At the Ossington address, they had a little  
10 pharmacy downstairs and I got it there.

THE COMMISSIONER: You started sometime, you think, in '82?

THE WITNESS: Yeah.

THE COMMISSIONER: And how many years did  
15 you go?

THE WITNESS: I guess I saw him for about two or three years, it would have been. I'm not sure. When I started training at Gold's Gym, I became aware of you could buy a greater range of products at better prices  
20 and there wasn't the wait. So then I began getting my stuff from the gym and I discontinued seeing him because it was --

THE COMMISSIONER: Well in March '84 he's got a note here, "had a physique problem that he..."

25 MS. CHOWN: "...thinks his muscularity has





decreased..."

THE COMMISSIONER: "...over the last two weeks."

THE WITNESS: Around 1984 I would have been at just about my strongest point. I was benching over 400 pounds.

THE COMMISSIONER: Whereas your muscularity decreased in March of '84?

THE WITNESS: No, I wouldn't say that. As soon as I started on the steroids on a regular program, I had -- of course you get flat spots. You're not always gaining, but I was always extremely large and extremely strong.

THE COMMISSIONER: Then on March 22nd of '84, what is that, "acute bronchitis"?

MS. CHOWN: "Acute bronchitis. Has chest cold, coughing, also throat [something] pharyngitis."

THE COMMISSIONER: Well, you did say --

THE WITNESS: That would have been the throat thing that I had at that time. You know, I was probably there getting my shot. I normally only went for a shot, and I probably had this problem, so I said, you know, can you help me out, and he wrote me out something for my throat.

THE COMMISSIONER: Did you always get



Deca-Durabolin? Did you get any other drugs from the doctor?

THE WITNESS: Deca-Durabolin, Delatestryl and there was one called Depo. I think it was testosterone enanthate, or something like that.

MS. CHOWN: Enanthate?

THE WITNESS: Enanthate. That would have been the name of it, yeah.

THE COMMISSIONER: What's the name of it?

THE WITNESS: Enanthate.

MS. CHOWN: Mr. Commissioner, if I might draw your attention to the note of April 12, 1984. That indicates an administration of the drug the witness has just referred to, testosterone enanthate.

THE COMMISSIONER: Enanthate. There it is, yes. Thank you.

MS. CHOWN:

Q. Would that change in the drug be at your request or at Dr. Artinian's suggestion?

A. It was basically -- things that made me change, no matter what I had, sometimes was the financial situation because if I had a lot of money and if I wanted to at that time, because I was in school and stuff, if I could afford it, I'd get the good stuff or I'd double



shots or I'd double Deca, double Dela, or Deca-Dela,  
whatever I wanted; but if I didn't have a lot of money and  
I wanted a shot, I could go buy the cheaper shots. Like  
the Delatestryl was only 8 or \$10, and the Depo was less  
5 than a Deca, but I'm not sure if it was more than the  
Delatestryl or not.

THE COMMISSIONER: Well in April of '84,  
again you were concerned about your lack of muscularity.  
How were you getting along in '84? Did you have lots of  
10 muscle?

THE WITNESS: I think I had about  
18-and-a-half-inch arms, and I was extremely strong during  
that whole time.

THE COMMISSIONER: Well, did you tell him  
15 that you were concerned about your lack of muscularity?

THE WITNESS: No. Even before I had ever  
done steroids, I was large and strong.

THE COMMISSIONER: But you wanted to be  
stronger and larger?

20 THE WITNESS: Well, yeah. I wanted the  
look, like the body building-type of look. I might have  
said to him, well, you know, I want to be bigger and I  
want this and that, but there was never a problem. I was  
always in great shape as of, you know --

25 THE COMMISSIONER: Go ahead, Ms. Chown.



MS. CHOWN:

Q. Do you recall in 1984 going or sending samples for laboratory analysis?

A. You mean like urine and blood samples?

5 Q. Yes.

A. I don't believe I ever received a urine/blood test. At one point I had a pain in my chest here, and he examined me and sent me downstairs for an x-ray. I don't remember if they did one of those heart  
10 things, because I thought it was my heart.

THE COMMISSIONER: Well, there is a --

THE WITNESS: Yeah, but he did check out my chest here, and then he gave me little white pills. I don't remember what they were. That cleared up the  
15 problem. I think he said it was my -- it could have been the sternum, the bone in here.

THE COMMISSIONER: Did you have an electrocardiogram?

THE WITNESS: Possibly. I don't remember.  
20 There was one time that I went down to the laboratory downstairs and I received an x-ray, and the x-ray technician examined me and checked out my chest.

THE COMMISSIONER: Did you leave a sample -- did they take some blood and some urine at that  
25 time?







THE WITNESS: I don't recall. I don't think so.

THE COMMISSIONER: Well that could have happened, I guess, could it?

5 THE WITNESS: I think I'd remember something like that, but I don't really think so.

MS. CHOWN:

10 Q. I just want as well to touch on a 1984 matter the Commissioner referred to earlier. There is a record of an attendance in May of that year. At that time you were working as a bouncer at a bar?

A. It could be possible. There were --

15 Q. Did you have any particular health complaint that you can recall at this time for which you sought Dr. Artinian's assistance or treatment in May of '84?

20 A. Basically the only things that I can ever think of that I had a problem with was the time I had the throat infection and the time I had the chest pains here right in the middle. That's the only things I can ever remember bringing to his attention other than just coming in to get the shots.

25 THE COMMISSIONER: Well the chief complaint, Mr. Hughes, is what?



MR. HUGHES: Presyncopal attacks on and off.

THE COMMISSIONER: What's that? You might ask Dr. Artinian.

5 MR. HUGHES: Lightheaded, tiredness, he advises me.

THE COMMISSIONER: Did you complain about being lightheaded?

10 THE WITNESS: I don't think I ever did. I have no memory of that. I was a very healthy person. I never went to the doctor, even my family doctor a lot. I never had a lot of problems.

THE COMMISSIONER: Yes, Ms. Chown. Can we carry on, please.

15 MS. CHOWN:

Q. As well in 1984, do you recall experiencing a problem with your lower back, a sprain or twist in your lower back?

20 A. What year was that?

Q. 1984, in August of that year?

A. That could have been possible, now that I think about it. I worked for a moving company one summer, and I hurt my back. Now as far as I remember, I  
25 went to my family doctor, Dr. Phlours (phon), and I was



put on Workmen's Compensation. Now --

Q. Is that something that you may, however, have mentioned to Dr. Artinian?

A. There is a possibility. I can't really say. I'm not sure about that.

Q. And as well, do you recall in June of 1984 experiencing an injury to your right foot?

A. Of '84? No.

Q. Do you recall ever mentioning that injury to Dr. Artinian and requesting strong painkillers?

A. No. The only foot injury I ever had was -- I wasn't seeing Dr. Artinian any more. On the construction site I had broken some toes on my left foot, and I had gone to the hospital and I was off three days, but that's the only foot injury that I've ever had.

THE COMMISSIONER: Was there somebody called Kathy? Do you know anybody called Kathy?

THE WITNESS: That was the x-ray technician downstairs. I dated her once. I went out with her one time.

MS. CHOWN: I want to move along here. I'm not going to go through each entry.

THE COMMISSIONER: I don't think you have to go through all these items, do you?

MS. CHOWN: No.



MS. CHOWN:

Q. In 1985 did your ever request Dr. Artinian to give you a steroid injection at a time that  
5 you had the flu?

A. No. Anytime I'd ever seen the doctor, I was never turned down for my shots because first of all, if I was ill, I wouldn't be training and I wouldn't even go for a shot.

10 THE COMMISSIONER: Did you ever discuss Kathy with the doctor, your relationship with her?

THE WITNESS: Well one time, the next -- I took her out, and then I was kind of hiding from her because I didn't want to go -- I didn't want to see her  
15 again. She was phoning me and bugging me, and I had joked around with him, and I said, "Oh, I'm hiding from Kathy," because she used to come upstairs with files and records and stuff, and I was trying to avoid her because I wasn't interested in dating her or anything. I joked around with  
20 him and said, oh, something about it, but that was the only thing concerning that Kathy thing.

THE COMMISSIONER: But the point is, though, that his technician was a girl called Kathy?

THE WITNESS: Yeah, I believe her name was  
25 Kathy, yeah.







THE COMMISSIONER: And you did discuss Kathy with the doctor on occasion?

THE WITNESS: Once. Once I would have said, you know, I'm trying to avoid this girl, you know?  
5 Can I go out the back door, type of thing.

THE COMMISSIONER: What other drugs were you receiving? You started out with Deca-Durabolin?

THE WITNESS: Yeah. I did some orals too.

THE COMMISSIONER: From the doctor?

10 THE WITNESS: Sorry. Before Dianabol became outlawed, I was receiving that, prescriptions from him. I purchased Metandren from him. He had them on him. I think they were 25 milligrams and you put them underneath your tongue, but they tasted lousy, and I  
15 didn't get any results from them, so I did them the one time. There was also, I believe it was Winstrol that I tried. I think they were two milligrams. They were very ineffective. I didn't like them either.

THE COMMISSIONER: By pill or injectable?

20 THE WITNESS: Orals.

THE COMMISSIONER: Orals.

THE WITNESS: So there was a few different orals I'd tried, but with the orals, they never seemed to be as clean and they seemed more toxic to me. I'd think,  
25 you know --



THE COMMISSIONER: I just asked you the drugs you got from him. You got the Deca-Durabolin, and then the other one you mentioned, the --

5 THE WITNESS: Depo and Dela. Those were the injectables I received off of him. And then there was the few --

THE COMMISSIONER: Well the testosterone enanthate, is that injectable too?

THE WITNESS: Yeah, that's the Depo.

10 THE COMMISSIONER: That's called a "Depo"?

THE WITNESS: Yeah. Basically on a visit he would come in with the vial. If you were getting the Deca-Durabolin, he'd come in and show you the vial, and he would flip the plastic lid off and you could inspect it and see that it was okay. The Delatestryl, from what I remember, was already prepared. Like he came in and it was already in the syringe, but the Deca-Durabolin he would draw out in front of you and let you inspect it and everything.

20 THE COMMISSIONER: All right. Go ahead, Ms. Chown.

MS. CHOWN:

25 Q. Did you at any time during your visits with Dr. Artinian purchase vials of anabolic steroids from



him?

A. Yes. I purchased -- I believe it was for \$35, there was 10 cc's of Delatestryl one time. I don't remember, other than that, buying vials of steroids off of him. I might have, but I'm not going to say I did if I don't remember. But there was one time I know I purchased 10 cc's, and it was a big fat vial about this big and about that round. I think it was for \$35 I purchased one time.

Q. And did you subsequently provide some or all of that vial to your brother, Chris Maksimovich?

A. Well upon request, yeah, I did share it with him because he was interested in using it.

THE COMMISSIONER: Well, at the very last note here, November '85, "He wants to take out the vials to inject himself for now."

MS. CHOWN: "From now on".

THE COMMISSIONER: What's the rest of it say?

MR. HUGHES: "From now on refused. Patient hostile. Will have a drugstore phone for the vial so that he can inject himself. Drugstore phoned. Refused."

THE COMMISSIONER: I see. Well, did you have a dispute with Dr. Artinian about the --

THE WITNESS: No, I'm not a hostile type of





person. I was never hostile towards him.

THE COMMISSIONER: Well, he may have thought you were, but did you have a dispute over the --

THE WITNESS: No, sir.

5 THE COMMISSIONER: Ms. Chown's question. Did he ever sell you vials so that you could inject yourself?

10 THE WITNESS: Yes, he did. The incident with the drugstore phoning out, I'll explain that. There was one time he gave me a prescription for Dianabol, a hundred, and I had doctored it and changed it to a 400, I will confess, and I took it there and they phoned the office. I was thinking, oh no, he's going to tell them no way and I won't get it, but the guy came back off the  
15 phone and said well, okay, and he gave me 400, the guy at the drugstore, that same drugstore I purchased syringes from.

20 THE COMMISSIONER: This says "Wants to take out vials to inject himself." Did you ever have that discussion where the doctor refused to give you vials?

25 THE WITNESS: No. If I wanted to purchase them, there was other people purchasing vials often to take home. He trusted -- I guess he imagined if it would have been a novice user, I don't believe he would have done it, but I was a very regular customer and, you know,





I always paid and everything, and there was not a problem with that. I know at least on one occasion for sure, I purchased that one large vial off of him. And I would purchase the syringes from a drugstore close to my home. They sold boxes of a hundred, and you could purchase them. That's the same store that he had the incident where I changed the prescription.

THE COMMISSIONER: Well once you stopped seeing him, is that about right, it would be in November of '85? Would that be about the end?

THE WITNESS: It could have been anywhere around that time that I stopped seeing him, because I did start training -- yeah, that would have been around the right time because I trained at Gold's for a year and a half, and Gold's Gym is the best place, you know, on the street to get steroids; and because I was training there -- that's about the time I started training there -- I started purchasing my steroids from various people there because they had, you know, all kinds of different ones that he didn't have, good stuff.

THE COMMISSIONER: I see. All right. I'm not sure that's the answer to my question, but carry on, Ms. Chown. I was trying to get dates.



MS. CHOWN:

Q. Can you be more precise as to when you started purchasing from sources in the gyms following Dr. Artinian's --

5 A. It would have been pretty well immediately after.

Q. Sometime in late 1985?

A. Yeah, it very easily could have been because I was a regular user. I did my cycles, and I  
10 never went more than two or three months without being on a cycle until I finally did stop.

Q. And when was that?

A. Oh, let me see. I guess it would have been about four years ago, three-and-a-half years ago.  
15 I've been married almost, I guess, two-and-a-half years. Three years ago, yeah. Three years ago. I guess it would have been '86 because I had stopped doing them just before I got married.

Q. And finally, I want to ask you a little  
20 bit about when you were playing football in high school. You've told us the anecdote about your school yearbook and indicated that other students were aware of your steroid use. Were the high school football coaches aware that you were on anabolic steroids?

25 A. I don't believe so. I never discussed



it with them or anything. They might have heard a rumor. There were rumors going around, but I don't know.

Q. And did your coach or coaches make their own attitudes on steroids known to you and other members of the team?

A. Well there was the one coach my brother mentioned earlier. He kind of was joking about steroid use, but he didn't advocate and didn't suggest that anyone should use it. He just -- you know, he joked around about it, but he had used them. That was the only --

THE COMMISSIONER: Sorry. You stopped when?

THE WITNESS: I guess it would have been in '86 because maybe a few months before I married or got together with my wife, I stopped using it at that point.

MS. CHOWN: Those are the questions I have of this witness

THE COMMISSIONER: We will adjourn until 2:30.

--- Luncheon adjournment.

--- Upon assuming.

THE COMMISSIONER: Mr. Steinecke?



--- EXAMINATION BY MR. STEINECKE:

Q. I just have a couple of questions about your visits to Dr. Artinian.

A. M'hmm.

5 Q. During the course of your visits, did he ever discuss with you or explain to you the risks and side effects of anabolic steroids?

A. I imagine at some times we discussed them briefly. I don't remember ever going into great  
10 detail, but we did talk about some aspects of it here and there.

Q. Who raised the issue, you or him?

A. Maybe at times him, maybe myself.

Q. And what were the primary risks that he  
15 warned you about as side effects.

A. I remember having discussions about, at some points, like minor things. Like there was -- when I came in, we didn't sit down and discuss all of the things. I got more information out of the magazines I had read and  
20 from my family doctor than I did from him, but I will say he did at some point say a few things about it.

Q. And at the conclusion of these discussions, what was your impression as to his view as to the danger or risk in taking these drugs?

25 A. What my opinion was?







Q. No. What was your view of what Dr.  
Artinian --

THE COMMISSIONER: What impression did he  
leave with you?

5 MR. STEINECKE: That's right.

THE WITNESS: Oh. I guess that it is okay  
to use them if you used them safely, within reason.

MR. STEINECKE:

10 Q. All right. Now you indicated that on  
the first visit there was some brief history of physical  
examination. Then you also talked about two or possibly  
three other conditions that you discussed with him, your  
throat, chest pain and possibly your lower back?

15 A. M'hmm.

Q. Now after your first visit, other than  
for those two or three conditions that we've already  
covered, did he ever physically examine you or take a  
medical history from you?

20 A. No.

MR. STEINECKE: Thank you.

THE COMMISSIONER: Thank you. Mr. Hughes?

MR. HUGHES: Thank you, Mr. Commissioner.

25



--- EXAMINATION BY MR. HUGHES:

Q. Just with respect to your athletic background, Mr. Maksimovich, you played high school football, I take it?

5 A. Yeah, football and rugby and wrestling.

Q. And that was prior to seeing Dr. Artinian, or you saw Dr. Artinian -- you were a little unclear about when you saw him, and I'm just trying to get the time frame straight.

10 A. Well, I played sports all the way through high school. I'm sure that in my last year of school I was seeing him, and I'm pretty sure in Grade 11 as well, while I was playing football, I was seeing him.

15 Q. And when was the last year you played football?

A. It would have been Grade 11. I never played in Grade 12.

Q. So since Grade 11 --

20 THE COMMISSIONER: What year? I'm sorry. I'm trying to get the year too. What year do you think that was?

THE WITNESS: Okay, let me see. '63 --

THE COMMISSIONER: Just take your time. It shouldn't be that difficult.

25 THE WITNESS: I was about 17 in Grade 11,



so --

THE COMMISSIONER: '81?

THE WITNESS: It was before then. '63, and then let's see, I would have been about 17, so --

5 THE COMMISSIONER: You were born when?

THE WITNESS: In '63.

THE COMMISSIONER: 17 would be 1980?

THE WITNESS: Yeah, could have been. I'm pretty sure I was in Grade 11 when I started seeing him.

10 THE COMMISSIONER: And how old were you, about 17?

THE WITNESS: 17. I remember having a little bit of fear about seeing him because I had to get my OHIP number off my parents.

15 THE COMMISSIONER: Had you discussed the danger that taking anabolic steroids at that age would impede your normal growth, your bone growth?

THE WITNESS: I heard a little bit about it.

20 THE COMMISSIONER: Did Dr. Artinian mention that to you?

THE WITNESS: I don't believe so. My family doctor did. At one point -- I never mentioned when I was on earlier because it was never brought up, I did go  
25 see my family doctor.



THE COMMISSIONER: After you had seen Dr. Artinian or before?

THE WITNESS: Yes, it was after, and I had blood tests done by him.

5

MR. HUGHES:

Q. Do you know when that was?

A. No, but it was during the course, within those few years that I was seeing him. I did go see Dr. Flours (phon), my family doctor, and he did a blood test, and I had a few enzymes and stuff.

10

THE COMMISSIONER: Did he warn you of the particular danger of taking anabolic steroids before your whole body was matured and fully grown?

15

THE WITNESS: Pardon me?

THE COMMISSIONER: Did he particularly warn you --

THE WITNESS: Yeah.

THE COMMISSIONER: -- about the specific danger of anabolic steroids for young people at that age because their body is not fully developed?

20

THE WITNESS: Yeah. My family doctor tried to discourage --

THE COMMISSIONER: It's quite clear that it impedes the growth.

25





THE WITNESS: Yes, sir. My family doctor tried to discourage me from taking them. He tested me and said there were enzymes in my blood that shouldn't be there, or something like that.

5 THE COMMISSIONER: But you carried on anyway?

THE WITNESS: Yeah. Well, I took a rest period right when he said that to let it clear up, and then I did continue.

10 THE COMMISSIONER: But Dr. Artinian -- you were quite young. You were about 17, you think, when you went to see him?

THE WITNESS: Yeah. I know it was before I was 18. I was getting my dad's OHIP number. In fact, I  
15 didn't tell him what I wanted it for. I think I fooled my mother. I said, oh, I need my OHIP number for school so I can play on the team, or something, and she wrote it out and gave it to me. That's the OHIP number I gave. I  
20 didn't tell her I want the OHIP number so I can go get steroids. I remember that clearly.

THE COMMISSIONER: All right.

MR. HUGHES:

Q. But to summarize, you don't recall  
25 specifically what year it was that you saw Dr. Artinian?



A. Well, I could work it out. It was --

THE COMMISSIONER: Well, let's work it out now.

THE WITNESS: Okay. I was born in '63. I  
5 guess I would have been 17 in Grade 11. So what does that  
work out to? '80.

MR. HUGHES:

Q. So you say you saw Dr. Artinian in  
10 1980?

A. Yeah, I must have.

Q. And had you been -- were you still  
getting Dianabol off the street when you went to see Dr.  
Artinian?

15 A. No. The one time I had gotten it from  
the gym -- I started training at Vic Tanny's when I was  
15. Normally they wouldn't let people start there until  
they were 16, but somehow I managed to get in. I had been  
training a while, and I had gotten the stuff off of one of  
20 the fellows at the gym, and then it was a short while  
after that I decided to see a doctor, but I didn't do  
anything, other than after I stopped seeing Dr. Artinian,  
I did all kinds of stuff from different places.

Q. What was the all kinds of stuff you did  
25 after seeing Dr. Artinian?



A. Oh, Parabolin, Deca-Durabolin and different orals. There was a much wider range you could get at the gyms. Like they had stuff from France in these little glass vials, Parabolin and Primobolan. I was doing different stuff.

Q. And you got lots of this stuff from the gyms after you stopped seeing Dr. Artinian?

A. Yeah, after I stopped seeing him. It was much more convenient.

Q. Were you still going to the gyms during the period of time that you saw Dr. Artinian?

A. Yes, but at the time -- the gyms I trained at when I was seeing Dr. Artinian was Vic Tanny's and then Super Fitness. I trained at the Nautilus Fitness Center, but by the time I had gotten to Gold's, it was so available and so easy to get and they had a better price and better selection, that's when I started getting it there because it was a little inconvenient to go down to his office.

Q. But you were still working out in these gyms where steroids were available during the period of time that you were seeing Dr. Artinian?

A. They weren't so available in some of the gyms, but at Gold's they were easily available. Anyone could get them. Some of the other gyms, there was



the odd guy that had them, but they were openly available at Gold's Gym.

Q. But your evidence is that you're certain that you didn't get any anabolic steroids of any variety from any gym or any other source during the period  
5 of time you saw Dr. Artinian? You're absolutely sure about that?

A. I'm quite sure, yeah, because I got everything I needed off him.

10 Q. And if we could go back a bit to your athletic career, after you played football in Grade 11, did you play any other sports?

A. Let me see. I played rugby each year. I played wrestling one year. I think that was in Grade  
15 10. I didn't play any sports in Grade 12 because I was primarily concerned with the training. I wanted just to work out with the weights and basically body build because football is very destructive to your body. You get injuries, and this and that, and I just wanted to --

20 Q. Yes, I know.

A. I just wanted to be in good shape.

Q. So I take it after you stopped playing football in Grade 11, you didn't participate in any other amateur athletics?

25 A. No. We had won the championship. I







had gotten my leather jacket, championship jacket. That's all I wanted, really, out of it.

Q. And that was back in 1980. So you haven't played organized Canadian amateur athletics since 1980, have you?

A. No.

Q. And you didn't tell Dr. Artinian when you went to see him that you played football or that you played any other sport, did you?

A. Well like we had, you know, friendly conversations. We might chat about this or that, or how's this or how's that. I really can't tell you if I did ever mention that I was playing any sports to him.

Q. You don't recall exactly what was said and discussed during these visits, then?

A. Well, certain things, you know, would stand out in your mind. Like, for instance, that thing with that girl. I remember saying that to him, about that Kathy girl that was brought up earlier.

Q. So he talked to you about things that were going on with you and generally the at times that you went to see him?

A. If he was really busy, it would like in; you'd tell him what you want; it was really efficient; pay, and you'd be out. If, you know, things were slower



and he'd take it easy, then you could chat a little bit.  
It would all depend.

Q. You don't have any notes or any other  
documents or empty bottles or anything like that from the  
5 period of time that you were seeing Dr. Artinian?

A. No.

Q. And I was looking at the medical  
records that have been produced and marked as Exhibit 238.  
I note on the one sheet of paper that's covering some of  
10 the forms that we'll go over in a second that your birth  
date is given as November 11th, 1961. Did you --

THE COMMISSIONER: '63 I have here.

MR. HUGHES: Yes, Mr. Commissioner, the  
blank piece of paper that looks like this.

15 THE COMMISSIONER: Oh, yes.

MR. HUGHES: In the upper right-hand  
corner.

THE COMMISSIONER: I see.

20 MR. HUGHES:

Q. Is that the -- first of all --

THE COMMISSIONER: I rather think that's  
not his writing. It looks like --

25



MR. HUGHES:

Q. Did someone take down this information as to your name and address and telephone number when you went to Dr. Artinian's office?

5 A. You mean the first time?

Q. Yes.

A. Yes. The first time when I called they instructed me to come in early, like 10 minutes before the appointment, whatever, so I could talk to the receptionist and give her my information so that she could file me and everything.

10 Q. All right. Was your address at that time 24 Midpines Road, Scarborough?

A. Yes.

15 Q. And was your telephone number 439-8268?

A. Yes.

Q. I'm going to suggest to you, Mr. Maksimovich, that you told Dr. Artinian's secretary or whoever took down this information that you were in fact born in 1961 rather than 1963; isn't that right?

20 A. That's entirely possible because, like I said, I was a kid and I wanted the stuff. I was getting my parents' OHIP number, and I didn't think they would let you unless you were at least 18, so I very well could have done that.

25



Q. So you could have lied about your age?

A. Yeah. I'll admit it, sure. I really  
could have, at that point. Later on when I became old  
enough and I got my own OHIP number when I was out of  
5 school, I believe I updated them and gave it to them, but  
I was under my parents' OHIP number and I believe --  
that's entirely possible. I may have done that.

10

15

20

25





MR. HUGHES: Thank you.

THE COMMISSIONER: You said you were born two years older. You said you were two years older?

THE WITNESS: I may have so I could get the appointment, that is entirely possible. It could have been, you know, on my end of the thing, right.

THE COMMISSIONER: Go ahead, Mr. Hughes.

MR. HUGHES: Thank you, Mr. Commissioner.

MR. HUGHES:

Q. When you discussed with Dr. Artinian the types of steroids that would be available, and you said you had a discussion about some side effects that may be associated with them, do you recall advice from Dr. Artinian that the injectable type of steroid was safer than the oral?

A. Yes, I do. I think I do remember that. I -- basically I stayed away more from the orals, but I did use them at times to supplement the injectables.

Q. Are you aware, Mr. Maksimovich, that acne is a side effect of steroids?

A. I am aware of it, but I never really suffered that problem. Some guys had it bad, but I never really had a problem.

Q. You never really had a problem. Did



you develop any of it from time to time?

A. Nothing more than the normal teenager would get, the odd one on your nose or cheek or something, I didn't break out.

5 Q. If I can just look at some of these records, and, Mr. Commissioner, I don't intend to go through them one by one.

THE COMMISSIONER: That's all right.

10 MR. HUGHES:

Q. But I am a bit curious about some aspects of them.

15 It is indicated on the October 11, 1983 entry that your weight was 89 kilograms, or -- Ms. Chown will correct me if I multiply this incorrectly, but I think that that is about 196 pounds. Is that a ball park of what you may have weighed?

THE COMMISSIONER: You better get together with Ms. Chown, she says it is less than that, I think.

20 MS. CHOWN: That's my mathematics as well.

THE COMMISSIONER: How much is it?

MR. HUGHES: 196.

THE COMMISSIONER: All right.

25 MR. HUGHES: I have got this one right today, Mr. Commissioner.



THE COMMISSIONER: Okay. Well, we are finally making some progress.

MR. HUGHES:

5 Q. Is that in the ball park?

A. Is that approximately the time I started seeing him?

10 Q. Well, that's October 11, 1983. I guess you said you may have seen him in 1980. And I don't have any records to indicate otherwise at the moment.

Is that about in the ball park of what your weight might have been, around 200 pounds?

15 A. Well, it is possible. I was a lot leaner then. I could have been 200-210, but, you know, at times I was pretty lean. That is a possibility.

20 Q. When you would go to see Dr. Artinian, I think you told us that there may have been some -- or you recall that there may have been on occasion some physical examination, for instance checking your heart and your chest with a stethoscope and checking your abdomen, that sort of thing?

25 A. Well, he initially checked me the first time. The next time I was checked for anything was when I had the problem with the chest because there was a real -- I thought I was going to have a heart attack or something.



I was getting these pains there. And he examined me then and prescribed these little white pills for me. But there wasn't a regular exam like that.

5 Q. Do you recall him checking your blood pressure when you were in his office?

A. It is possible. It is possible the first time, but that would have been the only time, the first time. Or he also may have done it when he checked that thing with my heart, but it wasn't like a regular  
10 thing. The only times I got checked out properly I imagine would be the first time and the time with my heart.

15 Q. But you don't remember specifically what happened on each particular visit, do you? You just have a general recollection?

A. I have a pretty good idea, pretty good idea. Like I know I was examined to some extent. I have --

20 THE COMMISSIONER: How long were your normal visits with the doctor? Never mind waiting around in the waiting room?

THE WITNESS: Oh, an average visit --

THE COMMISSIONER: Once you get into his office.

25 THE WITNESS: Once I get into his office, it







could take as little as five minutes, five to ten minutes.

THE COMMISSIONER: All right. Go ahead.

MR. HUGHES:

5 Q. And did you know the dosages of  
Deca-Durabolin that you were receiving?

A. Well, it would depend on what I was  
ordering. Sometimes I would get a Deca and Dela at the  
same time. For each shot I guess they were usually about  
10 two cc's --

THE COMMISSIONER: Excuse me, I didn't hear  
you, you got a Deca and something else?

THE WITNESS: Deca and sometimes I would  
get a Deca and a Delatestryl. I would get one of each  
15 type.

THE COMMISSIONER: I see.

THE WITNESS: I wouldn't always just get one  
shot. Sometimes I would get a Deca-Durabolin plus a  
Delatestryl. It is called stacking.

20 THE COMMISSIONER: Is that an injectable as  
well?

THE WITNESS: Injectable, yes. And they  
would be about two cc's large --



MR. HUGHES:

Q. The Dela would be 2 cc's?

A. The Dela might have been a little larger. The Deca maybe two and a half.

5 THE COMMISSIONER: What was the second drug you called?

MR. HUGHES:

10 Q. Dela. My information, and I will ask you, do you understand Dela to be a testosterone enanthate? That's what you mean by Dela, isn't it?

A. I was always under the impression that was the Depo. There was -- I am not sure, I am not a doctor. All I know is I got the Deca-Durabolin.

15 THE COMMISSIONER: You got enanthate, too, didn't you?

THE WITNESS: I got the Deca-Durabolin, the Delastestryl, and there was a shot called Depo, but the Depo wasn't as effective. I didn't get that very often.

20 THE COMMISSIONER: I am looking at the one on November 1985. That's the one we mentioned this morning. What is that?

MR. HUGHES: November 1985?

THE COMMISSIONER: Yes. Is that enanthate?

25 MR. HUGHES: Yes. That's testosterone



enanthate, which my understanding is that's Dela.

THE COMMISSIONER: That's what I thought was right.

5 MR. HUGHES:

Q. In any event, the notes that I have, Mr. Maksimovich, indicate that you received Deca-Durabolin 100 milligrams intramuscular. And on separate occasions you may have received testosterone enanthate in 200  
10 milligram quantities. Is that possible?

A. Yes. Well, there was occasions where I received one or the other, but there was occasions where I received both as well.

Q. Do you remember specifically when the  
15 occasions were you were receiving both at the same time?

A. No, I couldn't possibly remember that, but there were occasions that I received both. I would get a double shot or even sometimes I would do a double on the Deca or double Dela. It all depended on what I  
20 wanted.

Q. Did you have any complaints about side effects during the period that you were taking this medication?

A. No, I never really complained about  
25 anything because I wasn't that heavy of a user. I cycled.



I took time off in between. If you go on really extended periods you can see it, but I get maybe a little bit of water retention, but I never had anything really to complain about.

5 Q. Did you find it was making you tense at particular times?

A. No, I never -- I never really had that problem.

10 Q. You told us this morning, Mr. Maksimovich, that you were always in pretty good shape, you were pretty muscular, you were the strongest kid in the school, that sort of stuff. Why was it that you persisted in taking these steroids if you were in such great shape?

15 A. Because I wanted more, that's why.

Q. What was it that you wanted -- did you want --

20 A. At one point I was interested in being like competitive body builder. I wanted to get that kind of size and that kind of definition.

Q. So, you really wanted to look like the guys in the body building magazines?

A. Yes, at that time, yes, that's what I was interested in.

25 Q. Obviously you weren't satisfied with







the development unless you achieved that; isn't that right?

A. Well, there wasn't like a burning drive or anything. I just enjoyed what I was doing. And I  
5 enjoyed the results I was getting from the steroids.

Q. You took these things over quite a period of time. You obviously were persistent in taking them. I take it that you hadn't achieved what you wanted to achieve; isn't that fair? That's why you were  
10 continuing to take them?

A. I guess if you look at it in that respect, yes, something like that takes years to achieve.

Q. At that time, it is fair to say, isn't it, Mr. Maksimovich, that you were preoccupied with your  
15 physique and its development; isn't that right?

You were out at these gyms, you were looking in the body building magazines, you were on this steroid program that you talked about. You had a preoccupation with it, didn't you, at that time in your life?

A. Well, I would say it took up a lot of  
20 my time, but I wasn't obsessed with it. I mean I didn't stand in front of the mirror all day and look at myself. You know, I enjoyed training. There was a lot of comradery with all the guys at the gym and my friends  
25 trained. And we had a circle of friends who were in to



it. And we liked looking good and being big.

It is -- it is not like I was being consumed by the desire to be -- to be that big. I just liked looking good.

5 Q. I take it, without going through all of these -- all the details of this, that there was some incident in 1984 involving an X-ray technician by the name of Cathy -- we have been over that and you have acknowledged that, right?

10 A. Yes.

Q. You have also acknowledged, I believe, if I can summarize --

THE COMMISSIONER: She was the one you were running away from, is that it?

15 THE WITNESS: Yes. I just -- I had gone down for the X-rays, that's when I had the pain, and I just "would you like to go after?" We went and had a nice evening, and I just didn't want to go out with her.

THE COMMISSIONER: But she persisted.

20 THE WITNESS: Yes, she was phoning me and stuff. When I would come, I almost didn't want to come to the office, and when I did come, because I would have to go by her office, I would kind of sneak in and go up. And if she came in with files or something, I would kind of  
25 hide, you know. And I was joking around with the doctor



about it.

THE COMMISSIONER: You were pretty big to  
hide in a small room.

MR. HUGHES: I was going to say it must  
5 have been tough to miss you.

THE COMMISSIONER: I understand these were  
sort of small quarters when you were in with the doctor.  
You would take up a fair amount of the room, I think.

THE WITNESS: There was lots of people, the  
10 place was usually packed. So, you could hide, put a  
newspaper up or something.

MR. HUGHES: I knew I shouldn't have asked.

THE COMMISSIONER: Maybe if you hadn't  
taken all the steroids she wouldn't have found you so  
15 attractive.

THE WITNESS: I don't know.

MR. HUGHES:

Q. But that was part of it, I guess, wasn't  
20 it? People would find someone with a muscular developed  
build attractive. I mean that was all part of it, wasn't  
it?

A. Well, that's one of the reasons I liked  
it, you know.

25 Q. And I think you have acknowledged that





you had some back pain that you told Dr. Artinian about?

A. I don't -- I don't acknowledge that. I say there is a possibility. I don't remember exactly telling him about it. I was injured on a summer job once that I had and I went on Workmen's Comp.

Now, I know I saw my family doctor about it. If I would have been doing steroids at the same time, I don't know if I was on an off cycle or an on cycle, I might have mentioned it to Dr. Artinian.

Q. I see.

A. But I did not go in particular to him to prescribe me or to examine me because my family doctor was looking after the claim, and the examinations, and all that type of thing.

Q. Now, in May of 1984 the notes and records in Exhibit 238 indicate that you had a complaint about some sort of attacks, fainting attacks, and you were concerned that that it had something to do with your heart. Do you remember something about that?

A. Well, I wouldn't say fainting. I did mention to him that I was getting pain there and it was like a pressure or something. Then he examined me and he prescribed these little pills for me and it cleared right up.

MR. HUGHES: Mr. Commissioner, I am just





referring to the form report --

THE COMMISSIONER: Yes, I have that.

MR. HUGHES: -- in the document in case you were wondering where I was.

MR. HUGHES:

Q. I am just going to ask you a bit about this --

THE COMMISSIONER: Do you want to show the witness that particular document?

MR. HUGHES: I would be happy to.

THE COMMISSIONER: Ms. Chown, do you have that so he will know what you are referring to.

MR. HUGHES:

Q. Mr. Maksimovich, at that point it was true, wasn't it, that you were a bouncer at a bar?

A. Yes, that's right.

Q. And had you had any history of murmurs, heart murmurs that you were aware of?

A. No, I never had any problems with my heart. If I am not mistaken, I believe after he examined me, this could be -- I am not too sure how accurate I am on this, he said it was my sternum, the bone here. And he gave me white pills and they cleared it up. I really



don't know. I think that's what it was. It wasn't actually a heart problem.

Q. We will get to that in a second. I was just reviewing the form.

5 A. Okay.

Q. Did you smoke a pack of cigarettes a day at that time?

A. I have never smoked cigarettes. I have never smoked cigarettes. To be honest with you, at that point I smoked marijuana occasionally.

10

Q. I see.

A. So, I think if there was any problem with my bronchial stuff or whatever --

THE COMMISSIONER: Well, the reason why Mr. Hughes is asking this, there is a note here that says "smokes one pack a day". That wouldn't be marijuana, would it?

15

THE WITNESS: No, no.

MR. HUGHES: I am surprised you could remember having the stuff.

20

THE WITNESS: The odd party or something, you know, I wasn't --

THE COMMISSIONER: Well, it has here "no substance abuse". You didn't tell the doctor that you smoked marijuana, did you?

25



THE WITNESS: I don't believe so. I don't believe I would have told him about something like that.

At one point I was caught and I was tried and convicted with possession and right after that point I quit, and I stopped using it.

THE COMMISSIONER: All right. Well, let's get on to something which is more germane to here.

THE WITNESS: Okay.

MR. HUGHES:

Q. Did you have any history of diabetes?

A. No, I am perfectly healthy, no allergies or anything.

Q. Do you recall having blood work and urinalysis done at that time, and that is in May of 1984?

THE COMMISSIONER: And a cardiogram, too.

MR. HUGHES: Yes, I will get to that, too, Mr. Commissioner. I was just curious first about the blood work and the urinalysis.

THE WITNESS: I don't have any memory of ever having a blood test or urine test from Dr. Artinian's office. I went to my family doctor to get a blood test done.



MR. HUGHES:

Q. Do you recall whether there was a laboratory or a place for blood work downstairs from Dr. Artinian's office in 1984?

5 A. Was that in his old office or the new one?

Q. Well, why don't I ask you?

A. Well, years, I can't remember.

Q. What was in the old one?

10 A. There was the old one. The old one I don't believe had one. The new one was in the Bloor-Christie Medical Centre, I believe, and there was a pharmacy and they had some kind of -- they had some offices downstairs. That's where I had my X-ray done, the  
15 X-ray technician who I met was there.

Q. But you don't remember having blood drawn and a urine sample taken for analysis?

A. No.

20 Q. So, that if there are forms to that effect, you don't know where they came from?

A. That's right, yes.

Q. I see. But you do remember, to get to the Commissioner's point, you do remember having an electrocardiograph done?

25 A. Well, it is possible. You see at one





point it bothered me, this was towards the end just before I quit using the steroids, and I went to the hospital and they checked my heart and said it was perfectly fine. So, I assumed it was that same problem with the sternum.

5 THE COMMISSIONER: That's not the question.

THE WITNESS: Sorry.

THE COMMISSIONER: I thought you said you probably remembered a cardiogram being taken?

10 THE WITNESS: I don't have a memory of it, but there is a possibility that he might have when he -- I am not dismissing the fact that he might have done it, I just don't remember actually if he did do that.

THE COMMISSIONER: All right.

15 THE WITNESS: He did examine my chest at that point.

THE COMMISSIONER: No, but a cardiogram is done by a technician, not by the doctor. Did you go to a lab?

20 THE WITNESS: Then I would say no. The only time he sent me to a lab was the people downstairs.

THE COMMISSIONER: Yes.

THE WITNESS: And they did X-ray me, but I don't remember doing that. It is -- it could be possible, though, I don't remember --

25



MR. HUGHES:

Q. It is a long time ago and you are not quite sure?

5 A. Yes, I don't remember, but I say it could be possible that that was done, but I don't think there was a blood test.

Q. Do you recall injuring your foot at some point during the period when you were a bouncer at a bar?

10 A. No.

Q. Somebody may have stepped on your foot?

A. No, never injured my foot.

15 Q. And in February of 1985 there is a record in Dr. Artinian's notes that you complained of a viral illness, a flu of some kind. Do you recall something about that?

A. I usually -- no, I don't. I would go to my family doctor for that type of advice.

20 THE COMMISSIONER: No, but even assuming you would not go there, did you discuss it when you were there?

THE WITNESS: I don't remember.

THE COMMISSIONER: Your evidence is you only went there for one purpose, that is to get steroids?

25 THE WITNESS: That's right.



THE COMMISSIONER: But during the course of those visits, did you discuss other matters with him such as the flu?

THE WITNESS: I have no memory of ever  
5 having the flu at any of those times.

MR. HUGHES:

Q. I am sorry, you can remember back four or five years and say that you didn't have the flu at any  
10 particular time?

A. I really don't -- I am not the type of person who gets sick a lot.

Q. I see. Do you recall that that discussion, and I have just tried to assist your  
15 recollection, I am not putting something to you that you have to agree with, do you recall a discussion that Dr. Artinian wouldn't give you an injection because you had the flu?

A. No, I don't recall that at all.

Q. You don't recall that?  
20

A. Any time I went I usually got -- well, always got what I wanted.

Q. Well, let's get to that, shall we, Mr. Maksimovich. You didn't get what you wanted when you  
25 doctored the prescription, if I can use that expression,



did you?

A. Well, I had gotten the prescription and I wanted a prescription. He gave me the 100 and then later on I guess the thought came to me, hey, you know, why don't I try and pull this stunt here. I was just a stupid kid, you know.

So, I said okay, and I doctored it and I changed the 100 to the 400.

Q. What was that prescription?

A. Dianabol.

Q. Can you tell me when that was that you got that prescription of Dianabol?

A. I can't possibly remember. It could have been any time within the time I saw him. But there was a time that I got it and I changed it. I went to the pharmacy five minutes from my house, and I took it in there because that's where I was buying my syringes. And I went in there and I --

Q. But you don't recall when it was?

A. No, I can't -- it was in the summer.

THE COMMISSIONER: What happened? Did the pharmacist detect there was something wrong with the --

THE WITNESS: He looked at it, he must have thought it was odd because it was such a large amount.

So, he phoned in and the doctor's office is usually open





until nine or it is open pretty late, and he called in, talked to someone on the phone. Then he went off the phone and he gave me the 400, which I thought was great, you know, 400. At the time it was what I wanted.

5

MR. HUGHES:

Q. Do you know yourself from your own experience with steroids and their availability whether Dianabol was available by prescription after 1981?

10

A. Can you say that again; I didn't quite catch it.

Q. You may not be aware of it, do you know whether or not Dianabol was available by prescription after 1981?

15

A. Well, I know I used it until the -- when it -- when they -- I remember when the doctor said they don't do it any more and that's it, and he cut it off. Because he said I can't give you that any more, it is finished.

20

THE COMMISSIONER: Had he ever prescribed Dianabol before for you or just the once?

THE WITNESS: Pardon me?

THE COMMISSIONER: Had you ever prescribed Dianabol before? These were pills?

25

THE WITNESS: Yes.



THE COMMISSIONER: Except for this one occasion --

THE WITNESS: Normally -- he never stocked the Dianabol. I never remember buying that off him. I  
5 bought other orals off him right in his office. I would leave with the orals in my pocket.

THE COMMISSIONER: You only had the one prescription for Dianabol?

THE WITNESS: Yes, but I don't think he  
10 stocked the Dianabol at that time.

THE COMMISSIONER: Okay.

MR. HUGHES:

Q. But Dianabol was the stuff that you  
15 bought off the street before you went to see Dr. Artinian, wasn't it?

A. The one time, yes. I used it one time beforehand.

Q. I see. Was Dianabol one of the  
20 steroids that you were getting from the gym after you stopped seeing Dr. Artinian?

A. No, because they had some black market stuff that they brought up from Mexico, but I didn't really trust anything from Mexico. So, I wouldn't do it,  
25 but it was even available then.



The ones I had been getting were pink. I think they were from CIBA, it was a company, you know, but the ones from Mexico were blue. And I didn't really -- just their standards, I didn't trust it. So, I wouldn't buy the stuff, but they were still getting it years after, still available.

Q. Do you recall in June of 1985 mentioning or complaining to Dr. Artinian that you had some abdominal pain?

A. I don't recall that, no.

Q. Is it possible you may have mentioned it?

A. I never really experienced any abdominal pain that I can think of.

Q. I see. Did you have any other complaints with respect to the medication that you were taking at that time, talking of June of 1985?

A. No, I was very happy with the results. I was not suffering a lot of side effects. I mean there was a little bit of water retention, but I wasn't all bloated up and puffed up. And other than when I started to get that pain in my chest.

Q. You weren't totally happy because you still wanted to develop, didn't you? That's why you kept taking the steroids, right?



A. Well, it is just like anything, you know. There is a course of -- the course the thing takes. It doesn't happen overnight. It is not built in a day.

5 So, if it is going to take five years to build the kind of physique I want, well then I am going to pursue it for that period of time.

Like I say, I wasn't, you know, obsessed --

10 Q. Did Dr. Artinian tell you not to have alcohol during the time you were taking the injections?

A. He may have said it is not a good idea. At the time I was drinking, though.

Q. You were drinking at that time as well?

15 A. Yes, I did drink.

Q. Is that at the same time you were taking the marijuana?

20 A. Yes, but it was not like as if I was walking around all the time. It would be like a weekend thing, just like most people, you know.

THE COMMISSIONER: Speak for yourself.

MR. HUGHES: Yes, I wouldn't want to say that that is most people --

25 THE COMMISSIONER: Let most people speak for themselves.





MR. HUGHES:

Q. I would like to turn last if I could to November 30, 1985, which is the last note that I have of a visit to Dr. Artinian. Does that accord with your  
5 recollection of when you saw him last?

A. November 30, '85?

Q. Yes.

A. Let me just think now. Well, possibly. I don't really know if I had seen him that late because I  
10 have been married almost two-and-a-half years. I stopped just before I met my wife, and the year before I had been getting a lot of the stuff from the gym. So, I don't really know if I had been seeing him that late. I can't say for sure.

15 Q. Let's try to put that in perspective because that's a shorter time ago than the 1981 or '82 period that this all started.

You stopped taking steroids when, in 1986? That's what you said earlier, but why don't you think  
20 about it?

A. It was approximately at that time, yes, because I have been off them for a little over three years, I would imagine.

Q. When in 1986 did you stop?

25 A. I can't really pinpoint it, but I know



it was a little over three years ago because I stopped when I had met my wife and I dated her for a while and then we got married and I stopped.

5 THE COMMISSIONER: When did you get married?

THE WITNESS: I am drawing a blank. It was two-and-a-half years ago, May 23.

THE COMMISSIONER: I hope your wife is not watching.

10 THE WITNESS: May 23. No, she's at work. Two years ago, two and a half, whatever it works out to.

THE COMMISSIONER: What is your anniversary? All right. Let's carry on.

15 You are not very good on dates, I don't think, Mr. Maksimovich, it is not one of your strong points.

MR. HUGHES:

20 Q. So, if the note say November 30, 1988, is that possible as to the time you stopped seeing Dr. Artinian -- '85, sorry?

A. '85.

THE COMMISSIONER: '85.

MR. HUGHES: Thank you.

25 THE WITNESS: It could be possible.



THE COMMISSIONER: There are several visits here. According to these records, you had several visits in '85?

5 THE WITNESS: It is entirely possible. I am not going to dismiss it. I didn't think it went that long.

THE COMMISSIONER: Two in May, two in June.

10 THE WITNESS: It could be possible. I had my own source for about a year. So, that could be worked out. That's when I was training at Gold's. So, it is entirely possible.

THE COMMISSIONER: Go ahead, Mr. Hughes.

MR. HUGHES: Thank you, Mr. Commissioner.

15 MR. HUGHES:

Q. At about that time do you recall asking Dr. Artinian to take out vials so that you could inject yourself?

20 A. I don't remember. I know he had, at one point that I can distinctly remember, he sold me a vial. And it was \$35.00 and it was Delatestryl, I believe. And it was a brown vial and had a blue and white label on it. And I had taken that home and my brother and I shared that vial.

25 Q. When was that?



A. During the course of time I would be seeing him. I can't really remember when it was.

Q. So, you say sometime between whenever you started 1980 --

5 A. It was in the latter --

Q. -- over that five-year period you seem to remember taking -- getting a vial.

A. I know I purchased a vial and brought it home.

10 Q. When color was the label?

A. If I remember right, it could have been blue and white. I am not 100 percent sure, with black print on it, I am not sure. It is what I remember. I think it was a brownish bottle. It could have had a blue  
15 cap on it, I don't remember.

Q. Did you purchase any Dela from anybody else at any other time?

A. Well, years later -- no, actually I didn't do very much Dela after because Dela is not very  
20 clean stuff. You get a lot of water retention and bloat. I was mainly doing the Primobolan, and Parabolin.

Q. What color is the Dela liquid?

A. I think it is -- like if I remember correctly, it was more yellowy. The Deca-Durabolin was  
25 more clear. And the Delatestyl was more of a yellowy





color, like corn --

Q. You say the label was blue and white?

A. Possibly. That's possibly it, if I remember correctly.

5 Q. But are not sure?

A. No, it was awhile back. But my brother --

Q. Well, let's get to the point that I was asking about which is the vials that -- did you ask Dr. Artinian or at some point --

10 THE COMMISSIONER: On your last visit.

MR. HUGHES:

Q. -- yes, express to him a desire to obtain vials to inject yourself. Is that possible that you said that to him?

A. Yes, I purchased them off of him, so that's what I am saying. I did, yes. I guess I would have expressed and then he sold me one. You know, it was available.

20 Q. You don't recall having a dispute with Dr. Artinian because he said that he wouldn't allow you to have the vials to inject yourself?

A. Not at all.

25 Q. And I take it you don't recall



having -- going to a drug store and having them phone the -- the drug store phone the doctor's office so that you could pick up a prescription of the vial, of whatever was in the vial?

5                   A.    The phone call from the drug store was like I said before regarding the 400 Dianabol.

                  Q.    Which may have been years earlier, you are not sure?

                  A.    It could have been around the same  
10                   time.

                  Q.    Why was it that you stopped seeing Dr. Artinian at that time? What was your reason?

                  A.    Because it was a lot easier to get the stuff from the gym. I had been using the stuff for years,  
15                   I had been injected by friends, and I trusted them as being capable of doing stuff.

                  Q.    You had been injected by friends during this period?

                  A.    Not during that period. When I left  
20                   him and I started getting it from the gym, they started injecting me and they were capable.

                  Q.    I want to know why you left?

                  A.    Because it was more convenient to get it from the gym.

25                   Q.    But it was always more convenient,



wasn't it, to get it from the gym?

A. No, because I just started training at Gold's. It wasn't available like it was at Gold's Gym. You see around that time, I wish I had my old membership contract I could tell you the time I started training at  
5 Gold's, and I was a steroid user and then it became available to me, I met the right, I guess you call them contacts, and I began purchasing them.

And my friends -- I had a group of friends  
10 that I trained with. We would inject each other, and they did a fine job. I told them, I explained to them the way Dr. Artinian did it, and we started doing each other. And it worked out fine.

So, it was much more convenient because it  
15 was a long, long experience to go down, hours. You would waste a whole day doing it.

Q. So, there wasn't any dispute with Dr. Artinian? You left because you could get them easier  
someplace else?

A. That's the whole reason.

MR. HUGHES: Thank you. Those are all my questions.

THE COMMISSIONER: Thank you, Mr. Hughes.  
Any re-examination?

25 MS. CHOWN: No, thank you, Mr.



Commissioner.

THE COMMISSIONER: Thank you very much, Mr. Maksimovich.

5 MS. CHOWN: Mr. Commissioner, our last witness for today is Ms. Linda McCurdy-Cameron and she is here.

10 Before she's sworn in, I should indicate I have advised Mr. Hughes that the next witness' testimony has nothing do with his client and he would prefer if he could to be excused.

THE COMMISSIONER: All right. Thank you. Thanks for your help, Mr. Hughes.

MR. HUGHES: Thanks very much, Mr. Commissioner.

15 THE COMMISSIONER: Doctor.

20

25





LINDA LOUISE McCURDY-CAMERON: Sworn

--- EXAMINATION BY MS. CHOWN:

5 THE COMMISSIONER: I gather you've  
recovered from your accident because the last time you  
were supposed to testify was when you had an accident.

THE WITNESS: Yeah.

THE COMMISSIONER: Yes, Ms. Chown.

10 MS. CHOWN:

Q. Ms. McCurdy-Cameron, I understand that  
you were born in 1963 in Windsor?

A. Yes.

15 Q. And that at the present time you are a  
resident of the United States residing in Dallas, but you  
are planning to move to Michigan?

A. Right.

20 Q. Prior to moving to the United States in  
1981, you completed your high school education in Windsor  
at W.D Low Collegiate?

A. Yes.

Q. And got your Grade 13 from there in  
1981?

A. Yes.

25 Q. And following that, in the fall of



1981, you went to the University of Texas El Paso and completed a degree there, graduating in 1986?

A. Right.

Q. What's your field of study?

5 A. English literature.

Q. And you are, of course, as known to many of us, the daughter of Mr. Howard McCurdy, who is the Member of Parliament for Windsor--Lake St. Claire?

A. Yes.

10 Q. As well, you are married to Burt Cameron, and he's a 400 meter runner?

A. Yeah.

Q. And at the present time, you continue to compete as a high jumper, and as well I understand you are doing some coaching and modeling?

15

A. Yes.

Q. I'd like to turn first of all, if I could, to review with you your background as a high jumper. Can you tell us when you first began to do high jumping?

20

A. When I was 11.

Q. Who was your coach at that time?

A. My father.

Q. Had he done some high jumping in his past, or was this something he took on because you showed

25



some talent?

A. Well, he took on my sister first, but he had been a high jumper himself.

Q. And when was it that you began to  
5 compete on an international level? At what age?

A. In 1980. I was 17, I guess.

Q. At that time, your first competition on an international level would be the Junior Pan-Am Games?

A. Right, in Sudbury.

10 Q. That's a good place to start out. I'd like to review with you, if I could, some of the highlights of your competitive history that I've taken off your athlete's information sheet.

15 In 1982 you competed in July of that year in the National Outdoor Championships -- and all the time you were competing in high jump, so I won't repeat that -- and you placed fifth?

THE COMMISSIONER: Was that in the open competition by that time, '82, or was that still junior?

20 THE WITNESS: No, that was senior, '82.

MS. CHOWN:

Q. In 1983 you participated in the NCAA Championships that were held in March, placing third in  
25 the high jump with a jump of 1.83?



A. Right.

Q. In 1984 you participated once again in the National Outdoors, placing sixth. In 1985 you were in the U.S. National Championships and you obtained a fourth place at 1.82?

A. Sounds good.

Q. All right. I'm not going to review all the meets that you participated in in 1985, but you did participate in other meets in the United States and returned home in August of 1985 once again for the Outdoor Championships, placing second; is that correct?

A. I think so.

Q. All right. In 1986 you participated in a number of meets both in Canada and the United States, once again participating in the Outdoor Championships which that year were held in June, placing second with a jump of 1.81?

A. I think so.

Q. You continued on in 1986 on a European tour and competed in several meets in Europe, and then I'm going to skip forward to 1988.

A. Well, there was the Commonwealth Games, first, in '86.

Q. All right. That's interesting. It was not mentioned here. Commonwealth Games. Can you tell us





how you did?

A. Tenth.

Q. The next year listed on this sheet is  
1988 with your placement of first in the Indoor  
5 Championships?

THE COMMISSIONER: What year was that? Was  
that '86, the Commonwealth Games?

THE WITNESS: Yeah, '86, Edinburgh.

10 MS. CHOWN:

Q. Did you not compete in 1987?

A. Sure, but they always accused me of  
retiring.

Q. All right. I'm just saying that  
15 because on the sheet that I have there are no meet  
performances recorded for that.

A. '87. No, it was a bad year.

Q. All right. We'll pass over that  
quickly, then. Moving on to 1988, as I mentioned, in the  
20 National Indoors held in February of that year, you placed  
first in the high jump with a jump of 1.88?

A. Right.

Q. That I believe, if I'm reading this  
correctly, would be a personal best as of that time?

25 A. Yes.



Q. And has that continued to be your personal best?

A. Yeah.

Q. You continued on in 1988 to participate in a dual meet with Italy, and you continued to compete in 1989 as well at the Ottawa Indoor Games in January, placing third, at the Sherbrooke Invitational in January, placing fifth, and at the Indoor Championships in February, placing first with a jump of 1.84. You've also brought me up to date further than my sheet led me to believe with your participation in the Francophone Games. They were in Morocco, were they, this year --

A. Right.

Q. -- in June, and you placed second, and you most recently have competed in the Outdoor Championships. Was that last weekend?

A. Yeah, last weekend.

Q. And you placed third this year, and as the Commissioner averted to, unfortunately prior to going to the Nationals, you were involved in an automobile accident?

A. Right, on Spadina.

Q. Did that have an affect on your performance?

A. I think so.



Q. Can you tell us, Ms. McCurdy-Cameron, the number of women in Canada that are involved in the event of high jump at the competitive level which you have demonstrated?

5 A. Well, considering we only had 14 people in the whole competition at Nationals, we couldn't even have a qualifying round. There is only about four of us who are at the same level as I am.

Q. And who are those?

10 A. Myself, Leslie Estwick, Corly Brown and Jeannie Cockroft.

THE COMMISSIONER: There are only 14 female high jumpers that are engaged as --

15 THE WITNESS: There was only 14 entered in the Senior Nationals this year.

THE COMMISSIONER: How many last year, for example; do you recall?

THE WITNESS: Probably 15.

20 THE COMMISSIONER: That's about the complement, is it, for the best female high jumpers, 14 or 15?

THE WITNESS: Well that's, like, just about all we had to qualify for the Nationals, and I believe the standard is about 1.70, 1.75.

25 THE COMMISSIONER: You mean to qualify to



compete in the Nationals?

THE WITNESS: To compete in the Nationals,  
m'hmm.

5 MS. CHOWN:

Q. What was your ranking as a high jumper  
in Canada in 1988?

A. I think it was first.

10 THE COMMISSIONER: Is 1.84 your best jump  
so far?

THE WITNESS: 1.88.

THE COMMISSIONER: 1.88.

MS. CHOWN:

15 Q. Have you ever been a carded athlete?

A. No, never.

Q. Now you've told us that you at least in  
1988 were ranked first in Canada. Do you know what the  
carding standards are, for instance, this year for a C  
card in your field?

20 A. This year, I'm fairly sure that it's  
1.90.

Q. 1.90. And your personal best --

THE COMMISSIONER: I'm sorry, for a C card?

25 THE WITNESS: For a C card, m'hmm.





MS. CHOWN:

Q. Your personal best, as you've told us today, is 1.88?

5 A. That's right.

Q. And you're aware, I take it, that the 1.90 is based on world standards as opposed to Canadian standards in setting the mark for a C card?

A. You're right, yeah.

10 Q. So as a result of that, over the years since you've become involved since your days as a junior in 1980, you have never received any form of carding?

A. Right.

15 Q. Have you expressed any views on this or had any discussions with anyone at Sport Canada on this topic?

THE COMMISSIONER: Let me ask you, for the C card, would that be the top 100 in the world?

20 THE WITNESS: I'm pretty sure it's based on the top 100 in the world, but before I found that out, I thought surely it was based on me because it was always one centimeter higher.

THE COMMISSIONER: You're very close, but that 1.90 is for the top 100 in the world, I guess?

25 THE WITNESS: Yeah, I believe it's based on



that.

THE COMMISSIONER: And in order to qualify for a C card, you have to have a performance which ranks within the first 100 in the world in high jumping?

5 THE WITNESS: Right. Well, they set a standard.

THE COMMISSIONER: I see. And the standard shows the top 100, the lowest of the top 100?

THE WITNESS: I believe so.

10 MS. CHOWN:

Q. My question to you, Ms. McCurdy-Cameron, was whether you had ever made any representations to or had any discussions with Sport  
15 Canada about carding levels as they apply to your sport?

A. No.

THE COMMISSIONER: You have not?

MS. CHOWN:

20 Q. Do you have, now, any personal views as to any changes that you think ought to be made in the carding system?

A. Well, my personal view would be that they have some sort of criteria added into that, which is  
25 based on the top 100 in the world, that involves where you



were ranked in Canada or where you finish in the Nationals or whatever. The thing is, we don't have very much depth. We don't have very many opportunities to compete with people --

5 THE COMMISSIONER: Well, I guess in the Seoul Olympics we didn't have any females --

THE WITNESS: No, we had none.

THE COMMISSIONER: Was Debbie Brill the last one?

10 THE WITNESS: The last one to do what; to be carded?

THE COMMISSIONER: Yes, for female high jumper.

THE WITNESS: As a carded athlete?

15 THE COMMISSIONER: M'hmm.

THE WITNESS: No, I believe Jeannie Cockroft was carded before.

THE COMMISSIONER: I'm talking about a high jumper.

20 THE WITNESS: As a high jumper. She jumped well in '85.

THE COMMISSIONER: Oh, I see.

THE WITNESS: And she was carded.

25



MS. CHOWN:

Q. And has Ms. Brill now retired from the sport?

A. As far as I know.

5 Q. Just following up on the point the Commissioner raised about the Seoul Olympics, you did not attend as a member of the Canadian team for the high jump event, and I understand that Canada did not have any women who competed in that event?

10 A. Correct.

Q. Do you recall now what the Olympic standards were?

A. It started out being .93, I believe, and it was dropped to .91.

15 Q. 1.93 and 1.91? So again that would have the --

THE COMMISSIONER: To make the Olympic team?

20 THE WITNESS: Right, to automatically make the Olympic team.

THE COMMISSIONER: I understand.

THE WITNESS: They also have a selection process which comes into play after the trials.

25 THE COMMISSIONER: You were pretty close, 1.88. I guess it's quite a difference from 1.88 or 1.91,





though?

THE WITNESS: Right. 1.88 was the Olympic standard for the --

THE COMMISSIONER: But I thought that was  
5 your best?

THE WITNESS: Right.

MS. CHOWN:

Q. I'm sorry. Did you just say that the  
10 Olympic standard was 1.88? I thought you had indicated it was 1.91?

A. The Canadian Olympic standard was 1.91. The IAAF Olympic standard was 1.88.

THE COMMISSIONER: I'm sorry. Would you do  
15 that again for me? The Canadian standard was 1.91?

THE WITNESS: Canada sets it's own standards.

THE COMMISSIONER: Yes, but --

THE WITNESS: And they have raised the  
20 standard to 1.91.

THE COMMISSIONER: But I thought that was -- as I understand the C cards, you have to rank in the top 100 in the world?

THE WITNESS: No, that wasn't for the  
25 carding; that was to make the team.



THE COMMISSIONER: Oh, I see. Right. To  
make the team was --

THE WITNESS: Last year you could get  
carded and still not make team with the standard.

5 THE COMMISSIONER: So this year for the  
Olympics, the standard is 1.91?

THE WITNESS: Last year.

THE COMMISSIONER: Right.

10 MS. CHOWN:

Q. Set by the Canadian Olympic  
Association?

A. Set by the Canadian Olympic  
Association.

15 THE COMMISSIONER: And the IAAF was 1.88?

THE WITNESS: Was 1.88.

THE COMMISSIONER: So you would have  
qualified at 1.88, would you?

20 THE WITNESS: Right, anywhere else in the  
world.

MS. CHOWN:

Q. But unfortunately you did not make the  
standard imposed by your own country's Olympic  
25 Association?



A. Right.

Q. Are you associated with a track and field club?

A. Yes, Top Form.

5 Q. And we've heard something about that club from some other athletes who have appeared as witnesses.

THE COMMISSIONER: Ann Peele was telling us about it.

10 THE WITNESS: Did I hear from her?

MS. CHOWN:

Q. No. I was just mentioning that we have had some evidence of the Top Form Track Club. Who is your coach in Canada?

15

A. Carl Georgevski.

Q. And since you are spending much of your time in the United States, do you have a coach in the United States that you work with?

20

A. No.

Q. You coach yourself?

A. Just myself.

THE COMMISSIONER: And where is he located, your coach?

25

THE WITNESS: Carl?



THE COMMISSIONER: Yes.

THE WITNESS: University of Toronto.

MS. CHOWN:

5 Q. And when you come back to Canada from  
time to time throughout the year, would you work with him  
on an intermittent basis?

10 A. Yes, I have. I didn't really have a  
chance this year, but usually I would work more with him  
because I was at that club as well.

Q. Ms. McCurdy-Cameron, I'd like to now  
turn your attention to a meet --

15 THE COMMISSIONER: Just before you leave  
that, we are keenly interested in the carding system, this  
inquiry, considering whether it's appropriate or not.  
What is your view? I gather that -- you said something  
like you could have run for your almost any other country  
in the world but not Canada. Is that what you said?

20 THE WITNESS: There's other countries that  
set their standards higher too, but usually they have a  
little bit more depth than we have.

THE COMMISSIONER: I see.

25 THE WITNESS: In the United States, the  
standard was 1.88, but of course you had to jump much  
higher to make the team because they have people jumping





much higher. There you had to jump 1.88 just to go to their trials, but we don't have that kind of depth here. Setting a standard that far away --

THE COMMISSIONER: The 1.88 was for trials  
5 and not for making the Olympic team, I gather?

THE WITNESS: In the United States?

THE COMMISSIONER: Yes.

THE WITNESS: Well, if you jumped 1.88 and  
everybody else didn't that day, you could go, but they  
10 have a lot more depth. They have a lot of jumpers above that level, so if you jumped that, you went to the trials. There were people at their trials who jumped phenomenal personal bests that day and made the team.

THE COMMISSIONER: I see.

15 THE WITNESS: So whoever wins that day is going, regardless.

THE COMMISSIONER: And those who can meet the standard also go automatically, too?

20 THE WITNESS: No. You can only take three, no matter what happens.

THE COMMISSIONER: Oh, I see, the top three?

THE WITNESS: Right, but here we base --

25 THE COMMISSIONER: But is it your position that carding, that it should go to the -- take the top



Canadian in high jumping or pole vault and the other things, and that person be carded --

THE WITNESS: I'm sure they have to set a reasonable standard, but I have a separate opinion on what happens at the Olympics and stuff and what happens on carding, because even last year, had I reached the carding standard, which was 1.90, I still would not have made the Olympic standard because that was still higher than even the carding standard.

THE COMMISSIONER: Well let's talk about carding, to begin with. You say you have not been carded even though --

THE WITNESS: No, I have never been carded.

THE COMMISSIONER: And you are the top female jumper?

THE WITNESS: And I was the top junior high jumper for three years and I never got carded as a junior. I don't know what the criteria was then. I was in Windsor, and we kind of --

THE COMMISSIONER: I'm not saying -- let's assume that the top Canadian athlete, her performance is so far below, in my example, of say the top hundred in the world. Is it your position that that athlete should be carded anyway?

THE WITNESS: No.



THE COMMISSIONER: Well, where do you draw the line? Let's talk about carding first and then we'll talk about the Olympics.

5 THE WITNESS: Well in carding, I think the whole purpose of carding, the way I understand it, is to help athletes develop to a better level. If you are carding people who are already at a certain level, well then you just have a whole bunch of athletes hanging on for a long time and being carded and just staying there.

10 If they're going to have carding, there are certain levels that they should be able to say, well, this person is progressing; this person has reached a certain standard, not that high above, you know -- the standards set by the top hundred in the world, that's great, but we don't have

15 that much depth in Canada. We don't have that many athletes. We have got 14 high jumpers in the whole country who can qualify for Nationals. It's not safe to say that any one of them is necessarily going to be the top hundred in the world. So they have to perhaps modify

20 it somewhat to accommodate those athletes who --

THE COMMISSIONER: So in '88, we probably would have no female high jumpers who were carded at all?

THE WITNESS: Right, unless -- I don't know if Jeannie still maintains the carding on injured, because

25 she was injured for a while.





THE COMMISSIONER: Right, but she may be carrying it on because of the injury?

THE WITNESS: Perhaps. I don't know.

THE COMMISSIONER: Well then let's take --  
5 so how do you think would be a fair way of determining the carding process?

THE WITNESS: Well, they would have to obviously base it on standards, but they could incorporate into it where you rank in Canada and where you finish at  
10 the Nationals, because that's obviously going to say where you are in this country. I mean, you could be first in Canada and jump really pitifully, sure, but in that case -- we have different -- we have Ontario assistance. Each province as well has its own assistance, I believe,  
15 which I've never gotten either, because once you make the Canadian team, it's my understanding, you can't receive --

THE COMMISSIONER: That's what I understand.

THE WITNESS: -- the provincial anymore.  
20 So once I made the Canadian team in '86, I was out in the cold. There's people jumping probably lower than I am that are getting some sort of benefits from someplace.

THE COMMISSIONER: And then to make the Olympic team, there is another standard set, is there?

25 THE WITNESS: Right.





THE COMMISSIONER: And that this year for the female athlete was 1.91?

THE WITNESS: Last year.

THE COMMISSIONER: Last year, in '88, right. The IAAF 1.88 doesn't mean you get there, but would be the standard to be eligible; is that right?

THE WITNESS: That was the standard to be eligible, yeah. But a meet like the Olympics is going to give an athlete a better chance to be involved in a competition where the whole atmosphere is going to help them compete better. We don't have meets here that help athletes reach carded standard.

THE COMMISSIONER: So you think they could have a better chance to improve their ability by competing with the world's best?

THE WITNESS: I think they would be better off taking athletes who are progressively getting better during the course of the year, during the course of the past two years, whatever it is, up and coming through the Olympics, than taking people who did something last year. The Canadians are more apt to take somebody who jumped something last year than to say, well, what are they jumping now?

THE COMMISSIONER: Well, I understand that's right. You're automatically eligible -- let's say



you won a gold medal in '84, you're going to automatically be on the team for '88; is that right?

THE WITNESS: Well, if you jump the standard in '87 within the time frame of the qualification period, you are automatically eligible to compete on the team in '88 --

THE COMMISSIONER: '88.

THE WITNESS: -- despite whether you jumped anywhere near that during '88.

THE COMMISSIONER: I'm not quite clear what your position is, though. Are you saying that the top Canadian athlete in a particular specialty should go to the Olympics representing Canada even though the person is below the first hundred in the world?

THE WITNESS: If they are at the Olympic standard, I would think that that would be appropriate. I mean, the Olympics, they have to set their standard on something as well. They have a standard. They had to base 1.88 on something.

THE COMMISSIONER: What was the Olympic standard this year? 1.88?

THE WITNESS: 1.88, because even below that --

THE COMMISSIONER: I mean last year in Seoul?



THE WITNESS: Last year. You can take one athlete, no matter what they jump, and there's countries that take their athletes because that's -- you know, that's the honour. You want to go and and represent your country at the Olympics, and they want to have somebody representing them in that event if they happen to have somebody there, but we would rather take nobody than to have somebody representing us.

THE COMMISSIONER: All right. Ms. Chown?

MS. CHOWN:

Q. If I might just pick up on one point there. You said that participation in an event such as the Olympics could be quite important in an athlete's development. I'm paraphrasing you somewhat there. Can you just comment on that? Why is it that you think participation in an event such as that is important for an athlete?

A. Well, it's a big event; it's a big meet. You get more adrenaline going. You feel pumped up. You just feel like, hey, I'm competing and I'm wearing the Canadian colours, and you go there, and you just -- that may be the situation where you run something you've never done before or jump something you've never done before, but to go down to York University and have five people and





jump and say, hey, I'm going to jump a PB today, it's kind of difficult.

Q. You don't feel, given the small field of women involved in high jumping in Canada, that in the meets that you participate in this country, such as the Nationals, give that same impetus to an athlete's development?

A. Right.

Q. Is it a different situation when you are competing in the United States?

A. Well in the United States, any given meet may have, you know, Louise Ritter in it and other athletes who are jumping .65, .64, .63, all the way -- you're going to have competition. It's going to be like hey, you have competition. You have people who are jumping either the same as you or slightly above you to push you during the competition. You need to compete against somebody.

Q. Thank you. I want to turn in particular to a meet that you participated in in the United States in early 1988, and that was the Dallas Morning News meet?

A. Right.

Q. Do you recall that? I believe it was held on February 6, 1988?





A. I'm sure that it was held on February  
6, '88.

Q. It's engraved in your memory, as we  
will no doubt hear. You participated in the high jump  
5 event that day, and I understand that you came third?

A. Right.

Q. And you were selected for testing at  
that meet; is that correct?

A. Third place was selected for testing.  
10 There were four of us in third place and they decided to  
draw straws.

Q. You got the short straw?

A. I got the short straw.

Q. As a result of drawing the wrong straw,  
15 you attended a testing at the meet and provided a urine  
sample?

A. Right, not before they closed the arena  
and shut the lights off on me.

Q. It took place in the dark, did it? And  
20 prior to giving your sample, did you complete a document  
listing what medications you had been on?

A. Yes.

Q. I'll put before you a copy of this  
document. It's entitled "United States Olympic Committee  
25 Athlete's Signature Form". The date is February 6th,



1988, the occasion Dallas Morning News Indoor Invitational. In the middle of the form there is a list of medications in handwriting. Is that your handwriting?

A. No.

5 Q. I'm sorry?

A. No, that's not my handwriting.

Q. Is the list of medications there medications that you notified the officials of at the testing site?

10 A. Yes.

Q. Just reading down them, there is Holtran (phon), Triaminic, amino acid, multi-vitamins and clacium, C-complex, B-complex, yeast, tetracycline and Malox, together with some dosages and times?

15 THE COMMISSIONER: Obviously you had a cold or the flu or something.

THE WITNESS: I had the flu.

MS. CHOWN:

20 Q. I was going to ask you about that. Just prior to this meet, you were not feeling well?

THE COMMISSIONER: Well, she said she had the flu, Ms. Chown.

25



MS. CHOWN:

Q. Leaving aside the multi-vitamins, et cetera, had you taken medication for the flu?

5 A. Just everything on there. I thought that would get me out of bed.

Q. Did you have any discussion when you were in the testing room about the medications that you had indicated you had taken?

10 A. Yes. Well, she was running down the list. You know, I started thinking, well gee, that's a lot of stuff there, eh? And I asked her, what if any of this stuff was illegal? And she said, well looking at what it is, you'd probably just get a warning. I just said, okay.

15 MS. CHOWN: Mr. Commissioner, I wonder if we might have that form entered as an exhibit.

THE REGISTRAR: 239.

THE COMMISSIONER: 239. What's Triaminic?

THE WITNESS: Triaminic?

20 THE COMMISSIONER: Yes.

THE WITNESS: It's cough syrup for children.

MS. CHOWN:

25 Q. And is that a medication that you can



buy over the counter?

A. Yeah, the cheapest medication that you can buy.

5 Q. Was it something that you happened to have in your medicine cabinet, I take it, when you were looking for something for your flu?

A. That's when I went to the store and I needed the cough syrup and the \$3.50 only went that far.

10 Q. After providing a sample on February 6, 1988, when did you next hear anything about the test that had been done on your sample?

A. It was a couple of weeks later; at least two, two or three weeks later.

Q. How were you contacted?

15 A. I was contacted by phone by somebody somebody from TAC.

Q. That's the Athletic's Congress in the United States?

A. Right.

20 Q. What information, if any, were you provided with in that phone call?

A. He told me that my A sample had tested positive for phenylpropanolamine and that if I wanted to, I could fly out to California at their expense or I could  
25 have somebody else witness the B sample being opened.





THE COMMISSIONER: Was that from the  
Triaminic?

THE WITNESS: Triaminic. And they said  
that I should write them notifying them whether or not I  
5 wanted to be there in person or whether or not I wanted to  
have somebody else witness it so they could send me the  
ticket or whatever.

MS. CHOWN:

10 Q. Did you have any conversation with this  
official who notified you about the circumstances of your  
taking the Triaminic?

A. No.

Q. Did you attend for the --

15 THE COMMISSIONER: Well, you had declared  
it before you gave your sample?

THE WITNESS: Right, because he asked me,  
"Did you know?" I said sure I took it, if that's what in  
Triaminic.

20 THE COMMISSIONER: You declared too?

MS. CHOWN:

Q. Did you attend for the testing of the B  
sample, then?

25 A. Sure.



Q. And that, I understand, was held on March 31, 1988, at the laboratory in Los Angeles?

A. I'm not sure about the date exactly, but it was roughly that time, yes, because that was a good month after I had the first --

Q. To your knowledge, the B sample was tested, and when did you next hear anything as a result of the testing of the B sample?

A. Well, I guess I went back to Dallas, and I called the lab and they said that the B sample had tested the same as the first sample. I said well, I didn't expect anything differently really, and they said they would now notify TAC and they would decide what to do, or whatever. The lab was not able to tell me what the repercussions were going to be, or whatever.

Q. Was there a sanction that was subsequently imposed on you?

A. Well, the only time I knew exactly what was going on was when it was almost over, although the person who called me from TAC said that it would be best for me not to compete until the B sample was tested because, you know, there may be a suspension or whatever. So I called the people up here, and I called my coach and everything and told him everything. And they said, well, they were going to check it out. By the time I knew



exactly what was going on, exactly when the suspension started, when it ended, it was nearly over.

THE COMMISSIONER: What was the suspension?

THE WITNESS: Three months.

5 THE COMMISSIONER: Three months? Imposed by whom, by the --

THE WITNESS: Imposed by the IAAF.

THE COMMISSIONER: IAAF, right.

10 MS. CHOWN: And Mr. Commissioner, I do have a copy of a letter --

THE COMMISSIONER: Well, are you going to put the results in?

15 MS. CHOWN: Yes. All right. Before I put in the letter relating to the penalty, we have obtained copies of Ms. McCurdy-Cameron's test results with respect to this meet. I might put a copy of those before you. These results were provided to us through the United States Olympic Committee and consist on the first page of  
20 a list of --

THE COMMISSIONER: Well, do you have the original, at least so that we have it for the Registrar?

MS. CHOWN: I'm sorry.

THE REGISTRAR: Thank you.

25 THE COMMISSIONER: Make it the same



exhibit.

THE REGISTRAR: It's all 239?

THE COMMISSIONER: 239. Yes, Ms. Chown?

5 MS. CHOWN: Then on the second page of that  
exhibit, item no. 10, bottle no. 0180 is the sample number  
that was assigned to Ms. McCurdy-Cameron. If we look at  
the athlete's signature form in the lower left-hand  
corner, the number 0180 is listed there. And it indicates  
in the right-hand column "Comments: Phenylpropanolamine  
10 greater than 10 micrograms.":

THE COMMISSIONER: Am I right, that's from  
the Triaminic?

THE WITNESS: Triaminic.

THE COMMISSIONER: Right. Thank you.

15 MS. CHOWN: And there was further  
documentation also provided to us from the lab with  
respect to the quantification of the result and the drug  
screens that were carried out.

20 THE COMMISSIONER: Greater than 10  
milligrams? That's the standard, I gather, 10?

THE WITNESS: I don't know. You could tell  
me anything.

THE COMMISSIONER: Yes, Ms. Chown.

25 MS. CHOWN: The other thing I wished to put  
in, Mr. Commissioner, was a copy of the letter directed to







the Canadian Track and Field Association from the IAAF  
confirming the penalty that was imposed on Ms.  
McCurdy-Cameron. That is a letter dated April 27th, 1988.

5 --- EXHIBIT NO. 239: DOCUMENT ENTITLED "UNITED STATES  
OLYMPIC COMMITTEE ATHLETE'S  
SIGNATURE FORM" DATED FEBRUARY 6,  
1988;  
COPY OF MS. MCCURDY-CAMERON'S TEST  
10 RESULTS;  
LETTER TO CANADIAN TRACK AND FIELD  
ASSOCIATION FROM THE IAAF DATED  
APRIL 27th, 1988.



THE COMMISSIONER: Keep this all as one Exhibit, Mr. Registrar.

MS. CHOWN:

5 Q. My understanding of the procedure that the sanction imposed was confirmed by the IAAF at its council meeting that was held April 15th to 17th that year.

10 They then wrote to Ms. McCurdy-Cameron's governing body, the Candian Track and Field Association. And in the first paragraph confirmed the presence of the banned substance, and set out the penalty.

If I may just read the last sentence there:

15 "As a result, the athlete has rendered herself ineligible for a period of three months, i.e., until the 6th of May, 1988."

And Ms. McCurdy-Cameron, you commented that when you finally received notice of the penalty your suspension in fact was almost up?

20 A. It was May 6th, it was over, and that was the end of April there they sent out the notification.

Q. In addition in that letter at point number 2, the IAAF points out --

25 THE COMMISSIONER: You might read that,



please, Ms. Chown.

MS. CHOWN:

Q. Yes. And I quote:

"I have been informed by senior laboratory  
personnel that the substance  
phenylpropanolamine is contained in several  
over-the-counter cold preparations and  
therefore we can accept that the athlete did  
not deliberately take a banned substance.  
This statement may be relayed to the  
athlete.

However, the IAAF doping subcommission has  
ruled that in order to avoid possible misuse  
of this and other similar substances it will  
continue to be included on the banned list.  
The relatively short period of ineligibility  
of three months compared with two years for  
more serious offences reflects the IAAF's  
lenient attitude in this respect."

Then there is a final bit of advice asking  
your association to advise you to be careful regarding any  
medications that you may take in the future.

First of all, let me ask you was it passed  
on to you at any point that it was the view of the senior  
laboratory personnel that this had been an inadvertent



taking of a banned substance your part?

A. Yes. When I got back to the lab to find the results, she just told me what was on the paper, I guess.

5 Q. Had you been aware prior to participating in this meet, first of all, that phenylpropanolamine, if I am pronouncing that correctly, was an ingredient in Triaminic cough syrup?

A. No, I never read the ingredients.

10 Q. Were you aware that that ingredient, phenylpropanolamine, was on the banned list of substances?

A. No.

15 Q. How were you made aware or what steps did you take as an athlete to become aware of what were banned substances and what were not?

20 A. Well, I really had no idea what was banned and what wasn't banned. When I was in college, you know, any medication that you need you have to go through the trainers to get it. So, they make sure you are getting, I guess, what's not banned for any ailment you may have. So, once you are out of school, I guess you are on your own. And I never really thought about it.

25 Q. Did you ever receive any information from your governing body, the Canadian Track and Field, setting out a list of banned substances?





A. No. When I -- when I was finally in contact with somebody from the Canadian Track and Field they were like, well, didn't you -- don't you have a list? All carded athletes are supposed to have lists. And I  
5 said, well, I am not carded, I never got a list in my life of banned substances. That was just before they informed me that Canada was going to suspended me for a year.

Q. So, you did not have in your possession at any time in your active competitive career a list of  
10 substances that you were going to have to be on guard against?

A. No.

Q. Though I take it that you were aware because of the fact that dope testing was in place at  
15 meets and you had been tested before that obviously there were some substances you couldn't take?

A. Right. I mean there is some things you just take and ask somebody "is this legal" whatever. I mean I used to take Dristan for my hayfever and that was a  
20 big "no no". So, I would say okay, I don't take Dristan any more.

And every once in awhile if we were at a meet, like the Junior Pan Ams or something, they would check out anything that you were taking, but they never  
25 really gave us a list saying you couldn't take this, you



couldn't take this, watch out for this.

And as I understand, the penalty for cough syrup was just upgraded prior to my having been suspended. And I was never informed about that.

5 Q. I am going to come to that in a minute.

You say in the past you had checked at other meets before taking medication?

10 A. Well, if there was an international meet, they would make sure to say, well, if you are taking anything, you know, watch out for this and watch out for that, but it would never even occur to me that a cough syrup you could give to a child would be a banned substance.

15 Q. Would it be fair to say you were less on your guard because the Dallas meet that you were participating in wasn't an international meet?

20 A. I was less on my guard because I was not jumping that well before that. I was like, well, I am just training, having a good time this year, I am not really concerned this year, I just want to jump and see what happens.

25 Q. Just coming back to the point that you raised earlier where you said that you became aware there had been a change in rules as far as sanctions with the IAAF for such medications as cough syrup, and you say you



were not ever made aware that there was such a change.  
And do I have your evidence correct on that?

A. Right. I found that out during the  
course of the whole thing going on with my suspension  
5 because I had known of other people who had gotten tested  
for the same substance and who never got suspended. And  
they said, well, September last year they kind of changed  
the rule, what have you.

Q. When you say that you knew other people  
10 who had been tested positive for the same substance, we  
are talking about phenylpropanolamine?

A. Phenylpropanolamine, yes.

Q. Who did you know and what penalty did  
this person receive?

15 A. After I got my notification for being  
tested positive for phenylpropanolamine, I happened to  
mention it to an old coach of mine at UTEP who coached  
another high jumper named Thomas McCann (phon) who had  
been tested for phenylpropanolamine the year before, and  
20 was given a warning.

THE COMMISSIONER: At an earlier meet, not  
the same meet?

THE WITNESS: A year before at another meet.

THE COMMISSIONER: I see.

25 THE WITNESS: So, I know, well, it is the





same substance, I will probably just get a warning, too. But then as you go along they found, well, they have toughened it up a little bit.

5 MS. CHOWN:

Q. What you are saying is the rules have been changed, you weren't aware the rules had been changed, and therefore did not have any special --

10 THE COMMISSIONER: You weren't aware of, as I understand it, the cough medicine couldn't have gotten you in trouble at all?

15 THE WITNESS: I wasn't aware that that specific cough -- you know, I usually don't take anything. I usually don't get sick. So, I wouldn't go around, you know, reading all the labels to make sure I didn't have -- I knew that Dristan was illegal. And I didn't take Dristan, but I wasn't running around --

20 THE COMMISSIONER: But whether the rules have been changed or not, it wouldn't have done much good to you because you didn't know there was such a rule.

THE WITNESS: That's right, I didn't know that cough syrup was illegal.

25 THE COMMISSIONER: But you say the rules had been changed. You say the year before there would be no disqualification, just a warning?





THE WITNESS: Right.

THE COMMISSIONER: You found that out afterwards, though?

THE WITNESS: Right.

5

MS. CHOWN:

Q. Did the period of suspension, once you became aware of it just prior to its expiration, did that have any effect on your competitive career?

10

A. Well, sure, because then they said the suspension was retroactive, which meant that they might take away my indoor national championships, and they may not count my 1.88 at all, whether they wanted to in the beginning or not.

15

Plus there was a lot of meets during that time that I could have competed at in the States that would given me better competition than that which I had when I came up.

20

Q. Just so we are clear, you had participated in the Dallas meet, you had also participated in the Canadian National Indoors, and that was before you had heard any notification that you had --

THE COMMISSIONER: Well, no, it was before the Dallas meet, Ms. Chown.

25

THE WITNESS: No, no, no, the national was



after the Dallas meet.

THE COMMISSIONER: I thought you said the indoor?

THE WITNESS: Indoor nationals was after the Dallas meet. Indoors -- Dallas was indoors.

MS. CHOWN: The Dallas meet was in February --

THE COMMISSIONER: When did you set this record of 1.88?

THE WITNESS: That was at the indoor nationals.

THE COMMISSIONER: Whereabouts was that?

THE WITNESS: Windsor.

THE COMMISSIONER: When was that?

THE WITNESS: That was about two weeks after the Dallas meet.

THE COMMISSIONER: I see.

MS. CHOWN: I am just looking at the date here. It is listed on your sheet as being February 21, 1988, the Dallas meet having been February 6.

THE COMMISSIONER: I see. You weren't notified for a couple of weeks after Dallas?

THE WITNESS: Right.

THE COMMISSIONER: All right. Thank you.



MS. CHOWN:

Q. That's simply the point I was trying to establish that you went ahead and competed, there was no indication to you that there had been any problem with your test --

A. Right. I hadn't been notified one way or the other until after -- some days after I competed in the nationals.

THE COMMISSIONER: Were there any tests at those meets that you ran after Dallas?

THE WITNESS: Well, I only went to nationals and I don't -- I didn't get tested there that I remember.

THE COMMISSIONER: You weren't tested?

THE WITNESS: No.

MS. CHOWN: Thank you, Mr. Commissioner, those are all the questions that I have for Ms. McCurdy-Cameron.

THE COMMISSIONER: All right. Thank you. Mr. Bourque.

MR. BOURQUE: Thank you, sir.

--- EXAMINATION BY MR. BOURQUE:

Q. Ms. McCurdy-Cameron, my name is Bourque and I represent the Canadian Track and Field Association.

You said at one point in your evidence that



Canada was considering giving you a one-year suspension.  
I take it you mean the country, not the Canadian Track and  
Field Association?

5 A. Well, I don't know who it was, but the  
country, I suppose. I don't know.

Q. Where did you hear that?

A. From Steve Findlay.

THE COMMISSIONER: She wasn't carded. So  
it couldn't be the government. She wasn't a carded  
10 athlete.

MR. BOURQUE:

Q. Well, let's get through it. Was it the  
CTFA? I mean, you must know who was threatening to do  
15 that?

A. I spoke to Steve Findlay.

Q. Yes. What did he tell you?

A. He said that in Canada any suspension  
by IAAF is automatically one-year suspension in Canada.

20 Q. Now, do you know whether he was  
referring to the suspension or ban on funding from the  
Federal Government for carded athletes?

A. No, I have no idea.

Q. Or a CTFA suspension?

25 A. I have no idea.





Q. All right.

A. Being a non-carded athlete I would never even have wondered.

Q. In any event, you never heard anything  
5 further about any one-year suspension?

A. Could you ask that -- I don't understand.

Q. After the telephone conversation with Mr. Findlay, no one else came to you and said you are in  
10 line for a one-year suspension?

A. Well, I talked to Mr. Findlay several times about that because the way I understood it I was going to be suspended for one year. And I said to him "That's fine, you might as well kill me, or I will just  
15 produce a U.S. passport and compete for the United States because I am not going to sit out a year for taking cough syrup" for which nobody even protested the method in which I was notified or anything.

Q. Your understanding was that it was Mr.  
20 Findlay of the CTFA or rather the CTFA that was going to issue this one-year suspension?

A. My understanding is that I had no idea who was issuing the suspension. I know that he said they had to go into a meeting because I was to compete, I was  
25 leaving May 6th to go to Trinidad to compete on May 7.



And he told me that I shouldn't go to Trinidad because I am not sure -- he is not sure whether or not my suspension, one, was over from IAAF on that date. They hadn't even given me a date yet. They weren't sure whether or not I was going to be suspended. And if I competed before the suspension was over, I could be banned for a much longer period of time.

THE COMMISSIONER: This must be before the 27th of April, then, because the letter --

THE WITNESS: This was the week before the 6th of May. I didn't get a letter. I never saw that letter.

THE COMMISSIONER: I understand.

THE WITNESS: I only spoke to people on the phone. He finally found out the suspension is ending May 6th. And that they had a meeting or whatever -- he told me they had a meeting and they decided that since it was just cough syrup and that the recommendation from the lab was that it was probably inadvertent, that I would not be suspended for a year. And I went on and competed.

MR. BOURQUE:

Q. Is it possible he was reporting to you the nature of the IAAF suspension, not any proposed further suspension by the CTFA?



A. That's impossible because the IAAF suspension was three months.

Q. And that was clear from the outset?

A. That was -- that was to my  
5 understanding three months. The misunderstanding was whether or not I would be suspended for a year by Canada, or whomever governs the suspensions in Canada.

Q. Well, I suppose we will have to ask him.

10 Now, you had, I take it from your evidence, never received a list of banned substances from the Sport Medicine Council of Canada?

A. Right, never.

Q. And did you ever receive any  
15 anti-doping material from the Sport Medicine Council of Canada or from --

A. No, not until after that.

Q. Now, with respect to the Canadian Track and Field Association, had you ever been provided with a  
20 copy of their so-called Red Book?

A. I had been given a copy of the Red Book in '86 in Edinburgh that I recall.

Q. And is there not a section of that book devoted to the doping rules?

25 A. Not that I recall. I don't -- I know I



read the book. It wasn't a very exciting book.

Q. It wasn't what, I am sorry?

A. I said it wasn't a very exciting book.

I don't remember too much from the Red Book.

5 Q. And what subsequently happened with  
your performance at the national indoors in 1988? Is  
it --

A. I have no idea. They never were able  
to tell me whether or not they had accepted my 1.88 or  
10 whether they had thrown it out because the suspension was  
evidently retroactive.

I asked them about that following the  
meeting for selection, at which point I was definitely not  
put on the Olympic team. And I had heard a rumour that,  
15 well, it was because I was suspended and that my 1.88  
didn't count so that they couldn't count that because they  
could have taken me with 1.88 if they wanted to.

Q. Who is "they"?

A. The Canadian Track and Field  
20 Association, the Canadian Olympic Association, let's say.  
Whoever it is who sits in the little room and decides who  
gets to go and who stays home.

Q. Have you checked the register that  
comes out each year and reports the performances of  
25 individual athletes at various events to see if your 1.88







is shown?

A. You mean what comes out in Athletics or whatever?

Q. Yes.

5 A. They didn't have my 1.88 in Athletic. They didn't have my 1.85 in Athletic. They didn't have my 1.84 in Athletic. So I wouldn't really -- I wouldn't be able to use that as a very reliable source as to whether or not they accepted my 1.88 seeing as they don't even  
10 know that I am jumping half of the other times.

Q. This is Athletics, the magazine?

A. Right.

Q. Put out under the auspices, I believe, of the Ontario Track and Field Association; I hope I am  
15 not mistaken --

A. I believe so.

Q. I am sorry, I am referring to the technical manual that shows the times that comes out, the register for each year, and shows times and distances for  
20 each performance registered that year?

THE COMMISSIONER: Is this the CTFA --

THE WITNESS: Where does one get such a book --

MR. BOURQUE: The IAAF register.

25 THE WITNESS: The who?



MR. BOURQUE:

Q. The IAAF register?

A. I never even knew that there was an IAAF register.

5 MR. BOURQUE: Thank you. I have no further questions.

THE COMMISSIONER: Thank you. Mr. DePencier, any questions?

MR. DePENCIER: No, thank you, sir.

10 THE COMMISSIONER: Several of our top Canadian athletes have testified here who are very disturbed about the impact that the use of drugs by other athletes has placed upon our athletic population as a whole, and many of them are sort of forming associations and planning drives to speak to young people across the country.

Have you ever been approached to join one of those groups?

THE WITNESS: No.

20 THE COMMISSIONER: Do you think that would be a useful exercise?

THE WITNESS: I guess it would be useful in informing children about drugs.

25 THE COMMISSIONER: But you haven't been approached by them to join their group?



THE WITNESS: No.

THE COMMISSIONER: All right. Well, thank  
you very much for your assistance. Thank you.

THE WITNESS: Thank you.

5 THE COMMISSIONER: Today morning at ten  
o'clock.

10 --- Whereupon the proceedings adjourned until Wednesday,  
August 16, 1989 at 10:00 a.m.

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